

4429. By Mr. ROBINSON of Iowa: Petition urging the passage of the White radio bill as it stood before the introduction of the amendments thereto; to the Committee on Mines and Mining.

4430. By Mr. SINNOTT: Petition of certain citizens of Harney County, Oreg.; to the Committee on the District of Columbia.

4431. By Mr. SNELL: Petition of Brooklyn Chamber of Commerce, regarding the deep water highway from Montreal, Canada, to Duluth, Minn.; to the Committee on Rivers and Harbors.

4432. By Mr. SUMMERS of Washington: Petition signed by Mrs. E. S. Kinney and others, of Granger, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4433. Also, petition signed by M. L. Irwin and others, of Walla Walla, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4434. Also, petition signed by Mr. R. L. Walin and others, of College Place, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4435. By Mr. TEMPLE: Petition of a number of residents of Burgettstown, Washington County, Pa., urging the passage of legislation which would provide increase of pension to Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

## SENATE

TUESDAY, January 4, 1927

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, not only the rain but the sunshine comes from Thee, and we bless Thee that Thou art the author of all our blessings. Be pleased to look upon us this morning and give us such wisdom in the understanding of the times as will enable us to fulfill each duty in Thy fear and to Thy glory. Hear and help. For Jesus Christ's sake. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### MESSAGE FROM THE HOUSE

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed the joint resolution (S. J. Res. 113) authorizing the selection of a site and the erection of a pedestal for the Albert Gallatin statue in Washington, D. C., with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 10929) granting the consent of Congress to the Pittsburgh, Chicago & St. Louis Railroad Co., its successors and assigns to construct a bridge across the Little Calumet River in Thornton Township, Cook County, Ill.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 12263. An act to create in the Bureau of Labor Statistics of the Department of Labor a division of safety;

H. R. 12775. An act amending Section 6 of the act of August 30, 1890;

H. R. 13016. An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and sixth Street, in the city of Chicago, county of Cook, State of Illinois;

H. R. 13067. An act granting the consent of Congress to the State of Montana, or Roosevelt County, or McCone County, in the State of Montana, or either or several of them, to construct, maintain, and operate a bridge across the Missouri River at or near Wolf Point, Mont.;

H. R. 13452. An act granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co. to construct, maintain, and operate a railroad bridge across the Wabash River;

H. R. 13455. An act granting the consent of Congress to the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River;

H. R. 13456. An act granting the consent of Congress to Dwight P. Robinson & Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River;

H. R. 14236. An act granting the consent of Congress to the police jury of Rapides Parish, La., to construct a bridge across Red River at or near Boyce, La.;

H. R. 14239. An act granting the consent of Congress to Meridian & Bigbee River Railway Co. to construct, maintain, and operate a railroad bridge across the Tombigbee River at or near Naheola, Ala.;

H. R. 14246. An act granting the consent of Congress to the Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River;

H. R. 14688. An act granting the consent of Congress to construct a bridge across the Waccamaw River in South Carolina; and

H. R. 15127. An act for the relief of sufferers from floods in the vicinity of Fabens and El Paso, Tex., in September, 1925.

### ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 10929) granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct a bridge across the Little Calumet River in Thornton Township, Cook County, Ill., and it was thereupon signed by the Vice President.

### GEORGE WASHINGTON BICENTENNIAL COMMISSION

The VICE PRESIDENT. The Chair appoints the Senator from Kansas, Mr. CAPPER, as a member of the George Washington Bicentennial Commission to fill the vacancy thereon caused by the death of the late Senator from Missouri, Mr. Spencer.

### PETITIONS AND MEMORIALS

Mr. WILLIS presented a petition of sundry citizens of Wauseon, Ohio, praying for the prompt passage of the so-called White radio bill, which was ordered to lie on the table.

Mr. WARREN presented petitions of sundry citizens of Hanna and Shoshoni, all in the State of Wyoming, praying for the prompt passage of the so-called White radio bill without amendment, which were ordered to lie on the table.

Mr. CURTIS presented petitions of sundry citizens of Concordia, Kanopolis, Mulvane, Wathena, Green, Reading, McPherson, Hunter, and Cherryvale, all in the State of Kansas, praying for the prompt passage of the so-called White radio bill, which were ordered to lie on the table.

Mr. CAPPER presented a resolution adopted by the Topeka (Kans.) Federation of Labor, protesting against the seating in the Senate of persons who may obtain their election through bribery or the exorbitant use of money, which was referred to the Committee on Privileges and Elections.

Mr. NORBECK presented the petition of Frank W. Foster, of Timber Lake, and of sundry citizens of White Horse, Promise, and Laplant, all in the State of South Dakota, praying for the passage of legislation granting increased pensions to veterans of the Indian wars and the widows and minor orphan children of such veterans, which was referred to the Committee on Pensions.

### THE RADIO SITUATION

Mr. WALSH of Massachusetts. Mr. President, my daily mail is being amazingly inflated by complaints from all sections of Massachusetts, and from other New England States as well, in regard to the present chaos in the radio situation. The difficulty has now become so serious that the Boston Post, one of our leading New England dailies, has devoted a special department to the agitation for remedial legislation, editorially assuring its readers that, with more than 500 broadcasting stations now in daily operation and more than 100 more likely to go on the air at any moment, the situation has become acute and the need of urging immediate action upon Congress is imperative.

In view of these evidences of the great inconvenience which the public is suffering, and the widespread public demand for relief, I earnestly hope that action by Congress will not be long delayed.

Among the many hundreds of appeals which I have received is an official communication from the City Council of Brockton, Mass., which I ask to have printed in the Record and referred to the Committee on Interstate Commerce.

There being no objection, the resolution was referred to the Committee on Interstate Commerce and ordered to be printed in the Record, as follows:

## CITY OF BROCKTON,

*In Common Council, December 10, 1926.*

Whereas radio broadcasting has risen to be of supreme public importance as an educational advantage for the transmission of public information, and as a general public benefit to millions of the inhabitants, and for the benefit of municipalities, the several Commonwealths and the national welfare: Therefore be it

*Resolved*, That the City Council of Brockton believes that public comfort, convenience, and necessity require that Congress shall at the earliest possible date enact such legislation as will invest with adequate authority the Secretary of Commerce, or some such commissioner or public department in Washington, with powers and responsibility for the proper and reasonable regulation of the use of the air for radio broadcasting, by the assignment of wave lengths and such other regulatory powers as may be adjudged to be necessary for the protection of the public interest and the safeguarding of the radio as a channel for the performance of various branches of public service to which radio has been adapted; and be it further

*Resolved*, That a copy of this resolution be forwarded to the Congressman for the fourteenth Massachusetts district and to the Senators in Congress for Massachusetts, and that the several cities in Massachusetts be invited to join with Brockton in calling the attention of their Congressmen and the Senators from Massachusetts to the urgent need of such legislation.

Passed in common council on December 10, 1926.

Passed in board of aldermen on December 13, 1926.

Approved.

HAROLD D. BENT, Mayor.

DECEMBER 14, 1926.

A true copy, attest:

J. ALBERT SULLIVAN, City Clerk.

## LANDS AT PHOENIX, ARIZ.

Mr. CAMERON, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 6384) to amend the acts of June 7, 1924, and March 3, 1925, granting certain public lands to the city of Phoenix, Ariz., reported it without amendment and submitted a report (No. 1212) thereon.

## BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 5034) to amend the act entitled "An act authorizing investigations by the Secretary of the Interior and the Secretary of Commerce jointly to determine the location, extent, and mode of occurrence of potash deposits in the United States, and to conduct laboratory tests," approved June 25, 1926; and

A bill (S. 5035) to amend an act entitled "An act authorizing investigations by the Secretary of the Interior and the Secretary of Commerce jointly to determine the location, extent, and mode of occurrence of potash deposits in the United States, and to conduct laboratory tests," approved June 25, 1926; to the Committee on Agriculture and Forestry.

By Mr. WILLIS:

A bill (S. 5036) granting an increase of pension to Jane O. Biggs (with accompanying papers);

A bill (S. 5037) granting an increase of pension to Mary E. Harris (with accompanying papers); and

A bill (S. 5038) granting an increase of pension to Fannie O. Hunt (with accompanying papers); to the Committee on Pensions.

By Mr. COUZENS:

A bill (S. 5039) to abolish administrative examination of accounts and provide an independent examination of accounts in certain departments, and for other purposes; to the Committee on Finance.

By Mr. NEELY:

A bill (S. 5040) for the relief of Nannie C. Williams, administratrix of the estate of William E. Keeney, deceased; to the Committee on Claims.

A bill (S. 5041) granting an increase of pension to Martha J. Snider;

A bill (S. 5042) granting an increase of pension to Josephine Chapman; and

A bill (S. 5043) granting an increase of pension to Charles Adkins; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 5044) granting an increase of pension to C. Ella Hartwell (with accompanying papers); to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 5045) granting an increase of pension to Percis O. Hodgkins; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 5046) to amend the World War veterans act, 1924; to the Committee on Finance.

By Mr. CURTIS:

A bill (S. 5047) for the relief of Viola Addis (with accompanying papers); and

A bill (S. 5048) for the relief of the First National Bank of Herington, Kans. (with accompanying papers); to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 5049) for the relief of Frank Henley; to the Committee on Naval Affairs.

A bill (S. 5050) granting an increase of pension to George McC. Griffith; to the Committee on Pensions.

By Mr. HARRELD:

A bill (S. 5051) granting an increase of pension to Charles E. Wilson (with accompanying papers); to the Committee on Pensions.

(By request.) A bill (S. 5052) to increase the amounts which may be expended for educational purposes from the funds of the Choctaw and Seminole Nations, Oklahoma; to the Committee on Indian Affairs.

By Mr. SHORTRIDGE:

A bill (S. 5053) granting a pension to James Shaughnessy; and

A bill (S. 5054) granting a pension to John Gaughan; to the Committee on Pensions.

A bill (S. 5055) to reimburse the members of Company B, California Engineers, in the aggregate amount personally expended by them for United States Army equipment; to the Committee on Military Affairs.

A bill (S. 5056) for the relief of Vinal S. Terry; to the Committee on Naval Affairs.

A bill (S. 5057) for the relief of the Los Angeles Building & Contracting Co.; to the Committee on Claims.

By Mr. HALE:

A bill (S. 5058) to authorize Rear Admiral Albert P. Niblack, United States Navy, retired, to accept certain decorations from the Principality of Monaco and from the Kingdom of Denmark; to the Committee on Naval Affairs.

By Mr. CAPPER:

A bill (S. 5059) for the further protection of fish in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. JONES of Washington:

A bill (S. 5060) releasing and granting to the State of Washington any right, title, and interest of the United States in an island near the mouth of the Columbia River commonly known as Sand Island, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. HARRIS:

A bill (S. 5061) for the relief of Mattie Halcomb; to the Committee on Naval Affairs.

A bill (S. 5062) for the relief of John B. Moss; to the Committee on Claims.

## THE MERCHANT MARINE

Mr. FLETCHER. I introduce a joint resolution and ask to have it read, as it has to do with the American merchant marine and relates to a matter of great importance.

The VICE PRESIDENT. The joint resolution will be read. The joint resolution (S. J. Res. 140) providing that the United States Shipping Board and Emergency Fleet Corporation shall continue indefinitely in the business of owning and operating merchant vessels in overseas trade, and for other purposes, was read the first time by its title, the second time at length, and referred to the Committee on Commerce, as follows:

[Senate Joint Resolution 140, Sixty-ninth Congress, second session]

Joint resolution providing that the United States Shipping Board and Emergency Fleet Corporation shall continue indefinitely in the business of owning and operating merchant vessels in overseas trade, and for other purposes

Whereas it is considered imperative an adequate American merchant marine be established and maintained; and

Whereas no definite plans or program can be expected to that end from private enterprise; and

Whereas the services now operated by the Shipping Board and Emergency Fleet Corporation are essential services which must be permanently maintained; and

Whereas the efficiency and permanency of such services will require the construction of new vessels, as may be needed; and

Whereas the existing plan of operation, partially by the Government direct and partially through private operators as circumstances and



good business judgment may justify, provided fair and reasonable contracts, making it to the interest of operators to save expenses and show results can be secured, is satisfactory: Be it

*Resolved, etc.*, That the United States Shipping Board and Emergency Fleet Corporation shall continue indefinitely in the business of owning and operating merchant vessels in overseas trade to serve the needs of foreign commerce. That the Shipping Board shall have no authority to sell or dispose of any vessels owned except obsolete or incapacitated vessels, and then only on terms and conditions set forth in the merchant marine act of 1920, and that any power or authority heretofore given in respect to the sale of vessels by said board is hereby revoked and withdrawn, provided sales may be made of any vessels to American citizens on terms and conditions which will advance the purpose to establish and maintain an American merchant marine, where such sales can be made at the cost of such vessels, respectively, less a reasonable allowance for depreciation.

*Resolved further*, That the services now operated be regarded as essential services and shall be permanently maintained.

*Resolved further*, That a definite program of replacement and new construction shall be determined upon, which shall provide for the building of two express passenger ships of approximately 40,000 gross tons, to be operated with the *Leviathan* in transatlantic service, or the reconditioning of the *America* as one of such ships, and shall provide for the annual construction of approximately 26,000 tons of merchant vessels.

#### HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 12263. An act to create in the Bureau of Labor Statistics of the Department of Labor a division of safety; to the Committee on Education and Labor.

H. R. 12775. An act amending section 6 of the act of August 30, 1890; to the Committee on Agriculture and Forestry.

H. R. 13016. An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and sixth Street, in the city of Chicago, county of Cook, State of Illinois;

H. R. 13067. An act granting the consent of Congress to the State of Montana, or Roosevelt County, or McCone County, in the State of Montana, or either or several of them, to construct, maintain, and operate a bridge across the Missouri River at or near Wolf Point, Mont.;

H. R. 13452. An act granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co. to construct, maintain, and operate a railroad bridge across the Wabash River;

H. R. 13455. An act granting the consent of Congress to the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River;

H. R. 13456. An act granting the consent of Congress to Dwight P. Robinson & Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River;

H. R. 14236. An act granting the consent of Congress to the police jury of Rapides Parish, La., to construct a bridge across Red River at or near Boyce, La.;

H. R. 14239. An act granting the consent of Congress to Meridian & Bigbee River Railway Co. to construct, maintain, and operate a railroad bridge across the Tombigbee River at or near Naheola, Ala.;

H. R. 14246. An act granting the consent of Congress to the Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River; and

H. R. 14688. An act granting the consent of Congress to construct a bridge across the Waccamaw River in South Carolina; to the Committee on Commerce.

H. R. 15127. An act for the relief of sufferers from floods in the vicinity of Fabens and El Paso, Tex., in September, 1925; to the calendar.

#### PERMANENT GOVERNMENT FOR THE VIRGIN ISLANDS

Mr. BINGHAM submitted an amendment intended to be proposed by him to the bill (S. 4550) to provide a permanent government for the Virgin Islands of the United States, and for other purposes, which was referred to the Committee on Territories and Insular Possessions and ordered to be printed.

#### ST. LAWRENCE WATERWAY PROJECT

Mr. SHIPSTEAD submitted the following resolution (S. Res. 312), which was referred to the Committee on Foreign Relations:

#### Senate Resolution 312

Whereas the construction of a shipway of sufficient depth to admit ocean shipping from the Atlantic Ocean to the Great Lakes will lessen the economic handicap of adverse transportation costs to a vast area in the interior of the continent, which area within the United States em-

braces all or large portions of the States of Ohio, Indiana, Kentucky, Illinois, Iowa, Missouri, Kansas, Nebraska, North and South Dakota, Montana, Wisconsin, Minnesota, Michigan, Pennsylvania, and New York, and also includes a large part of Canada, and within which area there are more than 40,000,000 inhabitants, who gain their livelihood from its basic industries, and which area produces a vast surplus both from agriculture and manufactures, much of which demands long transportation; and

Whereas the joint board of engineers appointed by the Governments of the United States and Canada to investigate the improvement of the St. Lawrence River between Lake Ontario and Montreal and related questions referred to it by the two countries have filed their report with the United States St. Lawrence Commission to advise upon the development of shipway from the Great Lakes to the sea, appointed by the President on March 4, 1924; and

Whereas the said United States St. Lawrence Commission have filed with the President their report and findings, and in which report and findings the said commission report their conclusions as follows:

"First. The construction of the shipway from the Great Lakes to the sea is imperative both for the relief and for the future development of a vast area in the interior of the continent.

"Second. The shipway should be constructed on the St. Lawrence route, provided suitable agreement can be made for its joint undertaking with the Dominion of Canada.

"Third. That the development of the power resources of the St. Lawrence should be undertaken by appropriate agencies.

"Fourth. That negotiations should be entered into with Canada in an endeavor to arrive at agreement upon all these subjects. In such negotiations the United States should recognize the proper relations of New York to the power development in the international section": Therefore be it

*Resolved*, That the President is requested to enter into negotiations with Great Britain in an endeavor to arrive at a suitable agreement to the joint construction by the United States and the Dominion of Canada of a shipway from the Great Lakes to the sea on the St. Lawrence route and upon all other subjects that may be related thereto, as set forth in the report of said commission.

#### SACASA AND DIAZ

Mr. WHEELER. Mr. President, I present an editorial from the New York World of even date entitled "Sacasa and Diaz," which I ask may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York World of January 4, 1927]

#### SACASA AND DIAZ

It needs but a single reading of the two statements which came out of Nicaragua Sunday to be convinced that one, sent to the World by Dr. Juan Sacasa, revolutionist President of the Republic, is from a Nicaraguan patriot, and that the other, given to the Associated Press by Don Adolfo Diaz, the President kept in power by our marines, is from an American press agent. Doctor Sacasa, in his account of the events of the last few months, cites facts that can be verified by the record. Don Adolfo, in his account, cites as facts things that can be definitely disproven by the record, or else omits to cite things that would put a very different face on his story.

For example, he says:

"The Conservative Party of Nicaragua found the Government some 15 years ago \* \* \* saddled with a debt of \$32,000,000. The Conservative Party sought the aid of American finance and financial experts, with the result that the said debt has been reduced to \$7,000,000, and the national railway and bank are now the free and unmortgaged property of the Nicaraguan State."

But he neglects to tell us:

(a) That the "\$32,000,000 debt" was in paper pesos, which were redeemed at 12½ to 1.

(b) That the "American financial experts" charged a handsome fee for their benevolent services.

(c) That they demanded, before the railway and bank became the "free and unmortgaged property of the Nicaraguan State," a profit of more than \$2,000,000.

(d) That from this "free and unmortgaged property of the Nicaraguan State" they still draw \$36,000 a year in graft.

And, again, he says:

"It would be most agreeable to my Government at once to contract a loan for the construction of a railway to the Atlantic coast and for other public improvements. Unfortunately, however, those New York bankers, so far from desiring to exploit Nicaragua, as is charged, are indisposed to consider any large loan to Nicaragua as long as it is not assured of tranquillity through protection from Mexican aggression."

In the light of the facts to which we have called attention above, this is so transparent that it needs no analysis. What it means is that the New York bankers are unwilling to shake down Nicaragua for another \$2,000,000 profit unless the United States shows intention of maintaining Don Adolfo Diaz as President of the Republic.

## THE POLICY AS TO RESTRICTIVE IMMIGRATION

Mr. REED of Pennsylvania. Mr. President, there are about one and one-half million applicants for immigration visas to this country. I have no doubt that every Senator has been harassed with requests to accelerate the admission of some of those people. Recently many Senators have been asked to endeavor to secure temporary visitors' permits for these impending immigrants. In order that the Senate may be fully apprised of the situation and may understand why such applications can not be granted I send to the desk and ask to have read the reply of the State Department to a request of that sort which I myself made. The attitude of the department in rejecting my request seems to me to be so reasonable and its reason to be so interesting that I feel that the Senate would be interested in hearing read the letter which was sent to me in that case.

The VICE PRESIDENT. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

DEPARTMENT OF STATE,  
Washington, December 17, 1926.

The Hon. DAVID A. REED,  
United States Senate.

MY DEAR SENATOR REED: I have your letter of December 2, 1926, in which you comment on the department's interpretation and administration of the provision of the immigration act of 1924, which excepts from the definition of immigrant "an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure." It is noted that your interest in the matter has been aroused by Mr. A. S. Lusenberg, who wishes visas granted under section 3 (2) of the act of 1924 to certain Russian nationals now in Europe, for the departure of whom after a temporary visit he is prepared to offer the guaranty of the Russian Christian Society.

As you are well aware, the act of May 19, 1921, has greatly checked the flood of immigration to the United States. The year preceding its effective date saw 805,000 alien immigrants admitted to this country. The first quota act reduced the number which could be admitted annually for permanent residence to 357,803, and the act of 1924 resulted in a further reduction on July 1 of that year to 164,667. These legal enactments have apparently had no effect upon the desires of European aliens to come to the United States, for the compiled reports of all of the consular officers in Europe and the Near East show 1,449,475 would-be applicants for immigration visas on July 1, 1926. A significant fact is that 1,142,000 of these are in the countries of southern and eastern Europe and the Near East whose national quotas total only 20,447. With the passage of time and the pressure behind the barrier of restrictive immigration, the form that that pressure most often takes is an increasingly insistent demand from disappointed immigration-visa applicants, whose status as prospective immigrants is obvious from their connections in the United States and their financial condition, for consideration as "aliens visiting the United States temporarily as tourists or temporarily for business or pleasure."

The department has a deep and sympathetic interest in alien wives and minor children who have been left abroad by husbands and parents and endeavors to facilitate their immigration to this country so far as that may be consistent with a proper enforcement of the immigration laws, but the department can not adopt an administrative policy under the law operative solely in the interests of a restricted group because of the nationality, race, religion, political opinions, or refugee status of the members of that group. You appreciate, I am sure, that no facilities may be extended to Christian, czarist Russian refugees from the Bolshevik régime unless the department is prepared to extend the same facilities to Syrian and Armenian refugees from Turkish and Arab disturbances, to Jewish refugees from religious interference in Poland, Rumania, and Russia, and to French and Spanish clericals from Mexico.

The department is and has been quite ready to inquire into the surrounding circumstances in any individual case and where it appears that the consul to whom the alien is applying is not giving the case proper consideration under the law and under the regulations issued under the law by the Secretary of State, upon the recommendation of the Secretary of Labor, to give him such advice and instruction as will enable him, upon reconsideration, to bring his action into conformity therewith.

Acting upon this principle, officers of this department have had several interviews with Mr. Lusenberg, to whom you refer, and other members of the Russian Christian Society, and have made a thorough personal study of the cases in which they are interested. In addition, conferences have been held with the appropriate officers of the Department of Labor with a view to adopting as generous a course as might be permitted and consistent with the law. Mr. Lusenberg has presented to the department 125 cases which fall into the following categories:

Cases	
Children under 21 whose close relatives and principal means of support are permanently in the United States.....	61
Persons over 21 whose parents are resident in this country.....	6
Wives whose husbands are resident in this country.....	22
Husbands whose wives are resident in this country.....	4
Mothers whose children are resident in this country.....	17
Aliens with brother or sister resident in this country.....	15

In practically every case of those submitted the alien abroad is, according to his own statement or that of Mr. Lusenberg, intending to come to the United States for permanent residence. Many of them have not applied for visas either as immigrants or as nonimmigrant visitors, but have merely made inquiries of the consul as to the requirements. It is quite evident from the report of the House Immigration Committee hearings of May 24, 1926, a copy of which I am inclosing, that the real desire of Mr. Lusenberg and the Russian Christian Society is to reunite in the United States the members of Russian refugee families who have become separated by reason of the immigration, prior to the restrictive legislation, of certain individual members to the United States. This phase of the immigration question was considered at length by the Immigration Committees of both the Senate and the House during the last session.

After failure to obtain favorable legislation from Congress, or such an administration of the immigration laws by this department as would enable the classes of persons concerned to enter the United States for permanent residence, Mr. Lusenberg then sought for them visas under section 3 (2) of the act of 1924 to enable them to make temporary visits to the United States and offered the guaranty of the Russian Christian Society that the persons would depart at the expiration of their visits. His request was not granted because in practically no case had the individual concerned actually made application for any kind of visa, and it is obvious that the guaranty of a private organization that the individual would leave the country could not be accepted, since the organization not only has no power to compel departure but if its guaranty should be accepted similar treatment would justly be claimed by many other organizations. Inasmuch as the consuls in Europe estimate, after a careful study of all sources of information, that there are 174,225 aliens in their respective districts who are wives, husbands, or children of aliens permanently residing in the United States, of whom approximately 86,000 are of Russian birth, and that the Department of Labor is already greatly burdened with deportation cases of persons who have entered as visitors, you will no doubt agree that a loose interpretation and lax administration of section 3 (2) of the act of 1924 would have a nullifying effect on the policy of restrictive immigration which has been adopted by the Congress with what appears to be the general approval of the country.

The department feels that it has liberally and considerably met all legitimate demands for nonimmigrant visas. A total of 40,458 such visas were issued by consular officers during the past fiscal year, 936 of which were issued to Russian nationals.

I am, my dear Senator REED,

Very sincerely yours,

FRANK B. KELLOGG.

## PERSONAL EXPLANATION—GOVERNOR BRANDON, OF ALABAMA

Mr. HEFLIN. Mr. President, I regret that the Senator from New Jersey [Mr. EDWARDS] saw fit yesterday to drag into his speech an unpleasant newspaper reference to Governor Brandon, of my State. The unfortunate occurrence to which he referred is greatly regretted by the people of Alabama as well as by the governor himself.

It is my understanding that the court held that the governor had nothing to do with the ownership and was in no way responsible for the presence of the whisky found in the fishing camp. I wish to say in passing that the Senator from New Jersey was in sore need of speech material and distressingly hard pressed for argument when he brought this regrettable incident to the floor of the Senate.

## SEIZED GERMAN SHIPS

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be stated.

The CHIEF CLERK. The resolution (S. Res. 310) by Mr. KING requesting certain information from the Secretary of the Treasury relative to German ships seized during the war.

Mr. CURTIS. The resolution, I understand, is to go over without prejudice.

The VICE PRESIDENT. The resolution will go over without prejudice.

## POISONING OF INDUSTRIAL ALCOHOL

The VICE PRESIDENT. The Chair lays before the Senate another resolution coming over from the preceding day, which will be stated.

The CHIEF CLERK. The resolution (S. Res. 311) submitted yesterday by Mr. EDWARDS requesting certain information from the Secretary of the Treasury relative to the poisoning of industrial alcohol.



Mr. CURTIS. I ask that the resolution may go over until the Senator from New Jersey [Mr. EDWARDS] is present.

Mr. EDGE. Is there any objection to the passage of the resolution and securing the information desired? The resolution proposes nothing more than many resolutions passed by this body have done, to wit, to secure information. It takes no affirmative action of any kind. It seems to me the resolution should pass without any question. May I ask that the resolution introduced by my colleague be read?

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Senate Resolution 311

*Resolved*, That the Secretary of the Treasury is requested to furnish to the Senate at the earliest practicable date all information available in the Department of the Treasury, including all data and reports, and particularly all correspondence had by the Department of the Treasury with the Anti-Saloon League of America or with Wayne B. Wheeler, bearing upon the poisoning of industrial alcohol for the purpose of rendering it unfit for beverage purposes, together with copies of the laws and regulations under the authority of which the Department of the Treasury requires that industrial alcohol be poisoned for the purpose of rendering it unfit for beverage purposes, and the formula prepared and prescribed by the Department of the Treasury for such purpose.

Mr. EDGE. Mr. President, if I may say a further word in the absence of my colleague, I noticed in the press this morning that the gentleman referred to in the resolution states that he would be delighted to have all the correspondence furnished to the Senate. Beyond that the resolution asks simply for information which the Senate should have if any legislation should be later suggested. I can not conceive any opposition to getting the information.

Mr. CURTIS. I have no objection to the adoption of the resolution.

Mr. SHEPPARD. Mr. President, before the resolution is agreed to I want to protest against the language stating in effect that industrial alcohol is poisoned for the purpose of rendering it unfit for beverage purposes. That is not the fact. However, I am willing that full information should be given in the matter of the denaturants, and I shall not object to the resolution. I want it understood that I do not agree to the language used. Industrial alcohol is denatured with a small amount of wood alcohol so as to make it as nauseous and unpalatable as possible and as difficult, therefore, as possible, to divert into bootleg channels. It is absurd in this instance to speak of poisoning poison.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

FOREIGN POLICY OF THE ADMINISTRATION

Mr. KING. Mr. President, a few days ago the President of the United States, through his official spokesman, saw fit to read a lecture to the public press of the United States, based upon some alleged criticisms of the foreign policy of the administration. I might say in passing that it will be very difficult to determine just what the foreign policy of the Republican administration is.

Every policy of the administration that is wise and proper should be supported by the American people and by the press of the country, but any policy of this or any other administration which is unwise and which does not conduce to the public welfare and to the honor of our country should be opposed.

No policy or program of any administration is sacrosanct. Men are finite, whether they are Presidents or Secretaries of State, or are occupying other positions of responsibility. Many policies, both foreign and domestic, announced by administrations have been partisan in character; and experience has demonstrated that in this country, as well as in other countries, foreign policies have often been most unwise and have brought injury to the countries advocating them.

Where there is a large grant of power there is an increased obligation resting upon the person or persons to whom the power is granted, to not transgress but to walk in sound and safe paths and to have only the public welfare in view.

The Constitution of the United States confers large powers upon the Executive in dealing with foreign affairs. The grant of this power does not postulate that the power will always be wisely used, nor does it assume that the person or persons exercising the same shall be exempt from legitimate and proper criticism.

Great dangers lurk in a subservient and sycophantic press. The cause of liberty is promoted when there is an active and vigilant press, an uncorrupted and incorruptible press; a servile press is a menace greater than war to a free people. A free press is one of the safeguards of liberty.

The criticism has been made by some that the American press is too subservient to big business, to vested interests, and to powerful factions in political parties. It has been said that our press is too commercial and that some American newspapers have in view only the promotion of business and material things.

No people will long maintain their liberty or advance along the highway of intellectual and moral progress without ideals. Newspapers which are not governed by noble ideals are unworthy the support of the people. Criticisms are often unfair, but it is better to have unfair criticism than no criticism.

Mr. President, with the expansion of our foreign trade and commerce, we are brought into closer relations with all the world. More and more nations will be brought together and matters coming within the category of foreign relations will increase in importance. That is particularly true of the United States. Our country can not maintain a position of insularity; the day of provincialism for this or any country is past, and a more cosmopolitan spirit is taking possession of the minds of the people in all the world.

The foreign relations of the United States are becoming, I repeat, more important; and the welfare of the American people and their prosperity and progress in all that these words imply will become more dependent upon the character of the relations existing between our country and other nations.

The press of the United States, without partisanship or bias, and with loyalty to the truth and with fidelity to our country and to the best interests of humanity, must address itself to the political problems with which our Nation must deal. If the executive department or the legislative branch of the Government fail in their duty, or pursue policies harmful to our country, there must be sharp criticism. It were better, paraphrasing somewhat the words of Jefferson, to have no government and a free and honest press than to have a government with no press, or a servile press.

However, Mr. President, it is not my purpose at this time to enter into a discussion of the statement made by the President of the United States, or the foreign policy of this and the preceding administration. It would be improper to prevent the consideration of measures which may be considered during the morning hour. I rose principally for the purpose of asking permission to insert in the RECORD an editorial appearing in yesterday's New York World, entitled "A Free Press." It contains an admirable discussion of the question to which I have referred. I ask that it may be inserted without reading in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The editorial follows:

[From the New York World, January 3, 1927]

A FREE PRESS

Speaking indirectly through his official spokesman, Mr. Coolidge on Friday delivered a lecture to the American press. It is not easy to tell from his unquotable remarks exactly what he objected to in the conduct of American newspapers or exactly what he would like them to do that they are not doing. Most of the correspondents seem to have had the impression, however, that he resented the criticisms of the conduct of foreign policy in Mexico, in Nicaragua, and elsewhere, and many of them go so far as to suggest that Mr. Coolidge thinks it is the duty of the press to applaud dumbly any course of action which the State Department sees fit to take.

There are ample precedents to justify a self-respecting newspaper for refusing to let Mr. Coolidge tell it what it ought to think and what it ought to say. Not during the period of American neutrality, nor during the actual military operations, nor at the peace conference did the American press give to Woodrow Wilson that unquestioning and undivided support which Mr. Coolidge now demands for his dealings with Mexico and Nicaragua. It has not been the custom in America to let Government officials edit newspapers. It is not going to become the custom.

There is a name for the kind of press Mr. Coolidge seems to desire. It is called a reptile press. This is a press which takes its inspiration from Government officials and from great business interests. It prints what those in power wish to have printed. It suppresses what they wish to have suppressed. It puts out as news those facts which help its masters to accomplish what they are after. Its comment on affairs consists in putting a good face on whatever the interests which control it are doing. It has no conscience of its own. It has no opinions of its own. It makes no independent investigation of the facts. It takes what is handed to it, and it does what it is told to do.

The World has never been that kind of newspaper, and it does not propose to begin to be that kind of newspaper. Nor, if we know our contemporaries, do they intend to abdicate their rôle as the free reporters and the free critics of events. There are sinister developments in American journalism which must disquiet any man of taste and con-

science and public spirit. But the great newspapers still have the confidence of the thinking people of this country, and, in our judgment, they will not now forfeit that confidence by allowing the White House or any other interest to dictate what their policy shall be.

The conduct of a newspaper in a free country is a task that no man can take lightly. There can be no responsible Government unless there is a press which is fundamentally disinterested in its motives, tireless in its search for truth, vigilant of abuses, tolerant and more than tolerant, hospitable to those who disagree, yet fearless in the expression of what it believes. A newspaper may be wrong. The truth is often hard to get. Judgments are often difficult to make. No one newspaper can pretend to know it all or to be right always. But any newspaper can, if it wishes, be honest with itself and therefore honest with its public. And in that kind of honesty it can have opinions without pride of opinion, it can fight without fanaticism for its convictions, and when it is wrong it can say so. As long as there are newspapers which are afraid neither of dictation from the outside nor of corruption from within a healthy public opinion is possible, for then all shades of opinion will be expressed, and in the test of open debate the right may ultimately prevail.

#### AGRICULTURAL DEPARTMENT APPROPRIATIONS

The VICE PRESIDENT. Morning business is closed.

Mr. McNARY. I move that the Senate proceed to the consideration of House bill 15008, making appropriations for the Department of Agriculture.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon.

Mr. BRUCE. Mr. President, I hope that that motion will not prevail. I inquire if it is debatable?

The VICE PRESIDENT. The question is not debatable.

Mr. BRUCE. I trust the motion will not prevail. Many of us have been waiting long to secure consideration of bills in which we are interested, and it does seem to me that we ought to take up the calendar and go along with it in some sort of regular fashion, so that we may all have a chance to promote the passage of bills in which we are interested.

Mr. WARREN. Mr. President—

The VICE PRESIDENT. The motion is not debatable. The question is on the motion of the Senator from Oregon.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill (H. R. 15008) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1928, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. McNARY. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, the amendments of the committee to be first considered.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

Mr. KING. Mr. President, that means, of course, that the bill at some stage of the proceedings will be read textually.

Mr. McNARY. Under the unanimous-consent agreement just made the formal reading of the bill has been dispensed with, and the Senate will first take up for consideration the committee amendments.

Mr. KING. Do I understand, then, that the bill will not be read?

Mr. McNARY. I will say to the Senator the bill will be read, but technically during the process of reading the first questions to be considered will be the committee amendments. The bill, however, will be read.

Mr. KING. Textually?

Mr. McNARY. Yes.

Mr. KING. Very well.

#### SENATOR FROM ILLINOIS

Mr. McKELLAR. Mr. President, the swearing in or seating of a Senator is a matter of the highest privilege; and when he presents his credentials—

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SHORTRIDGE. What is the subject matter before the Senate?

The VICE PRESIDENT. The agricultural appropriation bill. The Senator from Tennessee is recognized.

Mr. McKELLAR. Mr. President, now that the Senator from California has been enlightened I will proceed.

Mr. President, the swearing in or seating of a Senator is a matter of the highest privilege; and when he presents his credentials, regular on their face, the Senate should exercise the greatest care in proceeding to deal with the case in any other but the regular way.

On the other hand, when a Senator elect or designate offers his credentials, and the Senate has knowledge of facts that would disqualify such Senator, it is the duty of the Senate to act fearlessly and with an eye single to the rights of the Republic and the rights of the applicant. The Smith case is without a parallel in this country. It is the only case that has ever come to the Senate where an examination by a committee of the Senate has been made before the applicant appeared to be sworn in. It just happens that such were the charges of fraud in this election last spring that the Senate, which was then in session, appointed a special committee to examine into and report upon the facts; hearings were held, the report has been made, and the Senate has all of the salient facts before it.

During the holiday recess I have spent considerable time in examining the evidence and looking into the law in this remarkable case.

Mr. President, it is absolutely certain that every legislative body, except in so far as restricted by written constitution, has the right to pass upon the qualifications of its own members. This has been held in both England and America for 150 years. There is no doubt whatsoever, under our Constitution and under our precedents, that the Senate has the right and power to exclude Mr. Smith. Its duty under the facts in this case is plain. If the Senate should seat Mr. SMITH, even for a time, in my judgment it will be notice to the people of the United States that a man who has sufficient money can buy a seat in this body. If he is excluded at the threshold it will be notice to everyone in this country that they can not buy a seat in this body.

To my mind, this is one of the most momentous questions that ever presented itself to this body, and one of the most important ever presented to the American people. For years it had been charged that only the rich could come to the Senate of the United States. It has been charged that money was all powerful in such elections. It got so bad, under the old system of electing Senators by the legislatures, that the people demanded and the Congress and the States approved an amendment providing for the election of Senators by the people. It was believed that under the new plan of electing Senators money would not have the all-powerful influence that it seemed to have with the State legislatures. I do not believe it does have the same influence. I think it was a tremendous step when we made this constitutional provision. But corruption has broken out both in the primary and in general elections; and if we dillydally, if we weaken, we will establish the precedent that men may sit in this body in bought seats. Probably there never was presented to this body a case like the Smith case. We should not delay, we should not shilly-shally, but we should do our duty as we see it, and that duty is to exclude Smith whenever he presents his credentials.

FRANK L. SMITH is a citizen of Illinois and has been for nine years, is more than 30 years of age, was a citizen at the time of his alleged election, and we will take it for granted that he has resigned his office of commerce commissioner in Illinois.

The Illinois statute on page 2677 provides—and it will be remembered that Mr. SMITH was at this time a member of the Commerce Commission of Illinois:

No commissioner, assistant commissioner, secretary, or person appointed or employed by the commission shall solicit or accept any gift, gratuity, emolument, or employment from any person or corporation subject to the supervision of the commission.

The penalty imposed is removal from office, and the offender is otherwise punished for a misdemeanor in office.

Last summer, before the adjournment of Congress, a select committee was appointed by the Senate to examine into this Illinois primary election. It has reported that Samuel Insull, who is the largest public-utility owner in Illinois and whose public-utility corporations it was the duty of said FRANK L. SMITH to regulate, contributed \$125,000 to the Smith primary campaign fund and that other public utilities in Illinois increased this sum until it reached \$206,000. These facts go both to the question of disqualification and to the question of election. They bring the question directly within the decision in the Roberts case, as it is undenied that SMITH violated the law of Illinois. In the next place, he violated the decision of the Senate in the Newberry case.

I want to call the attention especially of those who voted to continue Mr. Newberry in his seat to the resolution that they voted for in voting to have him retain his seat. A part of that resolution reads as follows:

That whether the amount expended in this primary was \$195,000, as was fully reported or openly acknowledged, or whether there were



some few thousand dollars in excess, the amount expended was in either case too large, much larger than ought to have been expended.

The expenditure of such excessive sums in behalf of a candidate, either with or without his knowledge and consent, being contrary to sound public policy, harmful to the honor and dignity of Senate, and dangerous to the perpetuity of a free government, such excessive expenditures are hereby severely condemned and disapproved.

Mr. President, there are, or will be after March 4, in this body only 14 Senators out of the 46 who voted for that resolution. I am going to watch carefully to see how many of the Newberry Senators who are left are going to vote against that resolution in the present case.

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

Mr. McKELLAR. Yes.

Mr. BINGHAM. I was not a Member of the Senate at that time, as the Senator knows; but I should like to inquire whether he thinks that that resolution has the force of law?

Mr. McKELLAR. Oh, no; it has not the force of law, but it has the force of a guide established by the then Republican majority in this body. The Senator from Connecticut was not here at the time, and I will stop here long enough to tell him what happened about that resolution.

Forty-six Senators voted for it. Forty-one voted against it. Of the 46 Senators who voted for it, 14 will be here after March 4. Of the 41 Senators who voted against it, 29 are still in this body.

Mr. BINGHAM. Mr. President, that has nothing to do with the question which I desired to ask the Senator. My question is whether he felt that that resolution was a direction to the States that they must do so and so, or whether it was merely advice to the sovereign States as to how the Senate thought they ought to carry out their power of sending Senators to this body?

Mr. McKELLAR. The Senator may call it advice, or he may call it direction, or he may call it whatever he pleases; but, in my judgment, it meant a rule of conduct for this body, and a rule of conduct that I believe is going to be carried out faithfully in every case that comes before it; and I want to say that I think it is going to be carried out in the Smith case.

Mr. BINGHAM. Does the Senator mean to imply that it is now a rule of the Senate?

Mr. McKELLAR. I think it will be—or at least it will be considered a strong precedent—after we vote on the Smith case.

Mr. BRUCE. Mr. President, after all is not the question whether there is a rule of the Senate or a declaration of policy by it relating to this discussion a matter of secondary significance when we bear in mind the fact that this man is said to have violated a criminal statute of the State of Illinois?

Mr. McKELLAR. Absolutely; one that disqualifies him from holding the office of commerce commissioner in the State of Illinois and yet it makes him eligible to sit in the United States Senate! I do not believe that any such proposal will ever be established by this body.

The resolution also declared that Newberry was entitled to continue in his seat, and this entire resolution passed the Senate on January 12, 1922, by a vote of 46 to 41. It will be remembered that it was claimed for Newberry that he was in the Navy and stationed in New York, and that he did not know about these vast expenditures. Incidentally, as I have said before, that of the 46 Senators who voted to retain Newberry, only 14 still remain in the Senate. Thirty-two have passed out, or will on March 4. On the other hand, of the 41 who voted against the resolution, 29 are still in the Senate. Only 5 were defeated for reelection, the others having died or voluntarily retired.

Mr. President, no contention is made that Mr. SMITH was not right on the ground and did not know about the vast expenditures of money in his behalf. The record shows that he spent more than \$206,000; but that sum came from the public utilities companies that it was his duty to regulate, and which it has been shown that he did not regulate. He received \$458,582 from all sources. The Senate having laid down the rule that the expenditure of \$195,000, with or without the knowledge of the candidate, was illegal and ruinous to the Government, it will be obliged to stand by its own rule made in that case. It will be remembered that previous to this—namely, on May 2, 1921—the Supreme Court had given its opinion on the criminal aspect of the Newberry case. By a divided court it held that the corrupt practices act passed in 1911, before the passage of the seventeenth amendment, providing for election of Senators by the people, which corrupt practices act attempted to limit the amount of money a candidate for the Senate might expend, was unconstitutional in the case of primary elections.

It is fair to say, however, that the court was so divided in this decision that it was difficult for anyone to tell what its real opinion was about the matter. It is true that a majority of one was in favor of reversing the case; but four judges dissented—namely, White, the Chief Justice, and Justices Pitney, Brandeis, and Clarke—and Justice McKenna was in doubt, as shown by the following statement on page 258 of Two hundred and fifty-sixth United States:

Mr. Justice McKenna concurs in this opinion as applied to the statute under consideration, which was enacted prior to the seventeenth amendment; but he reserves the question of the power of Congress under that amendment.

Chief Justice White, in an elaborate opinion, among other things said:

In view, then, of the plain text of the Constitution, of the power exerted under it from the beginning, of the action of Congress in its legislation, and of the amendment to the Constitution, as well as of the legislative action of substantially the larger portion of the States, I can see no reason for now denying the power of Congress to regulate a subject which from its very nature inheres in and is concerned with the election of Senators of the United States, as provided by the Constitution.

Mr. Justice Pitney, speaking for himself and Justices Brandeis and Clarke, said:

I conclude that it is free from doubt that the Congress has power under the Constitution to regulate the conduct of primary elections.

Thus, out of the nine justices we have four who believe that the act was constitutional, and the statement of Mr. Justice McKenna that he voted with the majority only because the statute under consideration was enacted prior to the seventeenth amendment. *Newberry v. United States* (256 U. S. 332).

This corrupt practices act was passed in 1911, and provided substantially that no candidate for Senator in any primary or convention could expend more than the amount limited by State laws; or, if there were no State laws, no candidate could expend over \$10,000.

There were Michigan laws limiting the amount, and the Michigan limitation was \$1,875. At that time the State legislature elected Senators, and there was some reason for the opinion that a primary election to name a candidate who would run before the legislature was not in itself, or of itself, a part of the same election. In other words, if the legislature had been honestly and honorably elected, the election of a Senator would not be tainted because fraud or corruption had been practiced in the same primary, so by a majority of 1 the Supreme Court held that the statute having been passed before the seventeenth amendment, the primary was not an essential part of the election, and declared the statute void as to primaries.

Even in this I think the court was wrong. It will be recalled that there was a tremendous outcry against this majority opinion of our Supreme Court. It was claimed that by it a multimillionaire, who had been a commander in the Navy during the war and who had been a Cabinet officer and who had been sitting as a Senator for two years or more, was thus excused from serving a three years' sentence in the penitentiary, which the jury had given him. That case was most severely criticized throughout the country, and when the fall elections came on so many Newberry Senators were defeated and so many anti-Newberry Senators were elected that it was perfectly evident that Newberry would be unseated at the incoming session of the Senate, and to avoid that he resigned, in the judgment of many thereby confessing his guilt.

I believe it would be well if our courts would be more careful in declaring acts of Congress void on technicalities. It brings about trouble every time, and unfortunate decisions in cases like the Newberry case and in the Fall and Doheny cases give good cause for the oft-reiterated statement made by so many that you can not convict a man worth a million dollars in this country.

#### NEWBERRY CASE ON DISQUALIFICATIONS

The position is taken that the only disqualifications of a Senator are those set out in sections 2 and 3 of Article I, but the majority opinion in the Newberry case, on page 258, holds directly to the contrary. Mr. Justice McReynolds in that case said:

As each House shall be the judge of the elections, returns, and qualifications of its own Members, and as Congress may by law regulate the times, places, and manner of holding elections, the National Government is not without power to protect itself against corruption, fraud, or other malign influences.

So that it is seen the Newberry case decision was based on a statute that was passed before the election of Senators by the

people. It was by a divided court, but announced that the Senate could expel or refuse admittance because of disqualifications.

#### THE PRIMARY AND ELECTION INSEPARABLE

Since the adoption of the seventeenth amendment, by which Senators are elected by the people, a senatorial primary is such an integral part of the election itself that I have no doubt that our courts would under appropriate legislation hold that fraud in the primary permeated through and corrupted the whole election. Mr. Justice McReynolds intimates as much. Mr. Justice McKenna did likewise. Their two votes, or either one of them, brought about the result in the Newberry case. In many States the primary is equivalent to an election. In Illinois the primary is virtually equivalent to an election. If fraud permeates the primary, naturally it permeates the election. So, without regard to the question of disqualifications, SMITH should be excluded because of fraud in the primary. This question could arise in three ways:

First. A resolution such as that offered by Senator ASHURST to exclude SMITH from taking the oath until the matter can be examined into by the Committee on Privileges and Elections and the Senate act upon it.

Second. A simple resolution declaring that SMITH was not entitled to a seat.

Third. By a resolution of expulsion.

The first two resolutions take only a majority vote. The third resolution takes a two-thirds vote.

#### SMITH CASE DIFFERENT FROM MANY OTHERS

The Smith case is different from many others because fraud and corruption were alleged to have taken place in his primary last spring. A select committee of the Senate was appointed to examine into the facts, and that committee has reported the facts. The facts are undisputed, and there is nothing to be done but for the Senate to act on the report of its committee.

Mr. BINGHAM. Mr. President, may I interrupt the Senator?

Mr. McKELLAR. Certainly.

Mr. BINGHAM. Does the Senator think, from his study of the debates in the Constitutional Convention in Philadelphia in 1787, that when the Senate was given the right to expel a Member for cause, the provision referred to something preceding his having anything to do with a primary election or an election or his record as a Senator?

Mr. McKELLAR. The power to expel a Senator by a two-thirds vote under the Constitution is apparently without any limitation whatsoever, except the good sense of the Senate of the United States. There is no limit to it.

Mr. BINGHAM. That was not quite my question.

Mr. McKELLAR. I did not understand the Senator, then.

Mr. BINGHAM. The Senator will remember that in the debates on the Constitution the question of expulsion followed the discussion of the question of the Member's behavior in the Senate, and so forth.

Mr. McKELLAR. Yes.

Mr. BINGHAM. It had seemed to me that the question of expulsion should be limited to something which occurred while the man was a Senator, or in the course of the primary or election proceedings.

Mr. McKELLAR. The Senator may have that view; I differ with him. I think unquestionably, inasmuch as the Constitution requires a two-thirds vote, it was thought best and wisest and safest that the Senate should at all times have the power to expel a Member by a two-thirds vote.

Mr. BINGHAM. But the Senator will remember that in the Humphrey Marshall case the Senate itself, and not a committee, as stated by Senator Sumner, quoted by the distinguished Senator from Montana [Mr. WALSH] some days ago, by a vote of 17 to 7, in 1796, within less than 10 years after the Constitution had been adopted, put in an amendment to a committee report which stated that the Constitution did not give jurisdiction to the Senate over something which happened prior to the man's becoming a Senator.

Mr. McKELLAR. If the Senator will permit me, that represented what was believed to be the good sense of the Senate in that case, but I do not think it is at all binding, and I do not think the facts in that case were at all similar to the facts in this case. I do not think that holding of the Senate is binding on the present Senate in the present case.

Mr. BINGHAM. That particular clause—if the Senator will bear with me a moment—did not refer to the case itself, but was put in on the floor of the Senate, where a majority of those who voted for it were Federalists, believing strongly in the power of the Senate and of the Federal Government to do what was necessary, states that inasmuch as the Constitution did not give the Senate jurisdiction, therefore the Senate could not

accede to Mr. Marshall's request that he be investigated. That was done by the contemporaries of the framers of the Constitution.

Mr. McKELLAR. I think the Senator will find, from other cases that will be presented by me in just a few moments, that that was an isolated holding of the Senate, in reference to that particular case.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER (Mr. FRAZIER in the chair). Does the Senator from Tennessee yield to the Senator from Montana?

Mr. McKELLAR. I yield.

Mr. WALSH of Montana. I would like to address an inquiry to the Senator from Connecticut. Does the Senator from Connecticut take the view that the Senate has no power to expel a Senator for any offense committed prior to his election?

Mr. BINGHAM. My present view is that the Senate may have power to expel for something which occurred prior to the election, although I should not care to express a firm opinion until I had heard all the arguments. I am inclined to the belief that the primary is part of the election.

Mr. WALSH of Montana. I am not speaking about the primary at all. My question is, Does the Senator take the position that the Senate is without power to expel a Senator for a crime committed prior to his election?

Mr. BINGHAM. My studies have led me to believe that it was not the intention of the framers of the Constitution, nor of their contemporaries, to confer that power, as shown in the vote on the floor of the Senate in the Humphrey Marshall case, where 11 States voted that the Constitution did not give that jurisdiction to the Senate and only 4 States voted that it did give it.

Mr. WALSH of Montana. Then if one has actually been charged with committing the crime of treason, and has actually been tried and convicted of treason, and is then elected a Senator, this body is powerless to keep him out?

Mr. BINGHAM. No, Mr. President; the Senator will realize that that raises an entirely different question—

Mr. WALSH of Montana. How does it raise a different question?

Mr. BINGHAM. If he were a traitor, it would come up in connection with the oath which he must take. Furthermore, of course that question was settled by the adoption of the fourteenth amendment, when treason was specifically put in as one of the bars to holding offices under the United States.

Mr. WALSH of Montana. No; the Senator is altogether wrong about that. The fourteenth amendment applies only to the case of one who, having taken an oath to support the Constitution of the United States as an officer of a State or of the United States, then engages in rebellion against the Government. I put to the Senator the case of one who has not taken such an oath, but has actually been guilty of treason and has been convicted of treason.

Mr. BINGHAM. In that extreme case, in connection with the necessity for his taking the oath in order to be a Senator, it would seem to me that the Senate would have jurisdiction.

Mr. WALSH of Montana. Very well. Let us suppose the case of one who commits an atrocious murder and is convicted of the murder.

Mr. McKELLAR. Would the Senator vote to seat him, or would he think the Senate was without power?

Mr. BINGHAM. The Senator would have to cross that bridge when he came to it. But the Senator is still of the belief—

Mr. McKELLAR. If the Senator will permit me, I am quite sure that when the Senator comes to examine the cases he will come to the conclusion, as I have, that the power to expel by a two-thirds vote is unlimited, and each Senator must deal with it as the case comes up.

Mr. FLETCHER. Mr. President, may I suggest to the Senator from Tennessee, also to the Senator from Connecticut and the Senator from Montana, that under other provisions of the Constitution which disqualify a man from holding any public office a conviction of treason would make him ineligible?

Mr. WALSH of Montana. No, Mr. President; the provision to which the Senator refers has no application whatever to Members of Congress. It provides that such a person shall hold no office of trust or profit under the United States, and that is, by uniform construction, held to exclude Senators and Representatives.

Mr. McKELLAR. Absolutely.

Mr. WALSH of Montana. The fourteenth amendment, to which the Senator has referred, bears no other construction, because it expressly provides that one who falls under the condemnation of that instrument shall not be qualified to



serve as a Member of Congress, or to hold any office under the United States, and it was ruled in the Burton case that the prohibition which follows from a conviction of a felony to hold any office under the United States does not prevent a man from holding the office of Senator. He is still liable to expulsion, however.

Mr. BINGHAM. Mr. President, will the Senator tell us why he thinks it was necessary to adopt that third section of the fourteenth amendment if the Senate had the power beforehand?

Mr. WALSH of Montana. I would like to tell the Senator.

Mr. McKELLAR. It was done because of political prejudices, which were very strong at the time, and in the excitement of the public mind at the time growing out of the Civil War. I have no doubt that was why it was put in. Many laws that have since been repealed, the Senator will recall, were passed at that time; laws like the "test act," and various other laws. By the way, I was very much interested in an opinion of the Chief Justice of the United States, who held just a short time ago that President Johnson was right in all of his contentions with the Congress in that period of heat and very great political acrimony.

Mr. BINGHAM. Mr. President, if the Senator will permit me to reply to a question that was asked a moment ago in regard to a man having committed an atrocious crime; such a conviction would deprive a man of his civil rights as a citizen, would it not, and therefore the case could not come up until those rights had been restored?

Mr. McKELLAR. Suppose it had been embezzlement?

Mr. WALSH of Montana. Suppose he had been pardoned?

Mr. McKELLAR. He would be restored.

Mr. BINGHAM. If his civil rights had been restored, then there must have been mitigating circumstances.

Mr. WALSH of Montana. Of course, we have to assume he has been nine years a citizen of the United States.

Mr. BINGHAM. If the crime had occurred so long before, that his rights had been restored nine years previously, it seems to me there might be mitigating circumstances.

Mr. WALSH of Montana. Suppose the governor of the State had pardoned him and restored his rights. But let me say—and this is a perfectly plain answer to the question as to why that provision was put in the fourteenth amendment—that prior to the time that amendment was ratified it was within the discretion of the Senate to admit or not admit, as they saw fit, a man who had taken an oath to support the Constitution of the United States and had engaged in rebellion against the United States. But the people said, "You can not permit that man to come in." It was a prohibition in addition to the three. Now, we violate our oaths if we admit a man to the Senate who has not been for nine years a citizen of the United States, who is not 30 years of age, and who is not a resident of the State for which he shall be chosen. To admit him would be inconsistent with the Constitution. So far as the other things are concerned, we are at liberty to exercise our discretion. So it was with reference to men who had engaged in rebellion. Prior to that time the Congress sometimes admitted and sometimes excluded them. There are precedents both ways. The people of the country said, "We will not tolerate this thing any longer."

Mr. BINGHAM. But they gave the Congress the right to admit them by vote.

Mr. WALSH of Montana. Exactly.

Mr. BINGHAM. But the Senator said we have not that right.

Mr. WALSH of Montana. But they said, "You shall not admit them unless both Houses of Congress and the President of the United States by law permit them to come in," which, of course, meant that after the lapse of time and these passions had subsided, and that kind of thing, it might be desirable to allow those men to come in as they did come in. It simply deprived the Senate of any discretion in the matter which it had theretofore enjoyed.

Mr. McKELLAR. Mr. President, I now come to a discussion of a part of the facts disclosed as a result of the investigation of the case. I digress here long enough to say that the Senate committee which was appointed last summer to investigate these cases, in my judgment, has done a wonderfully patriotic work. From what I have read of the report and of the evidence, I think the committee has acted with the greatest fairness and ability and that practically all the facts have been adduced. So far as I am able, as a Member of this body, I want to commend the splendid work that was performed by the committee. Senator REED is a marvelous examiner of witnesses.

#### EVIDENCE IN THE CASE

Mr. President, taking the evidence of Colonel SMITH alone, there can be no question that on his own evidence Colonel SMITH should be excluded. Bear in mind the resolution of the Senate in the Newberry case and bear in mind the Illinois statute which SMITH violated. I want to quote from the Smith testimony:

The CHAIRMAN. Did you ever have any talk with any person or persons with reference to campaign contributions?

Mr. SMITH. No, sir.

The CHAIRMAN. Nobody at all?

Mr. SMITH. No, sir.

The CHAIRMAN. Not even with Mr. Moore?

Mr. SMITH. Oh, yes; with Mr. Moore.

Then again:

The CHAIRMAN. What did you conclude at this first conference would be the probable cost of the campaign?

Mr. SMITH. \$150,000.

The CHAIRMAN. You say you indicated how much you would be able to give. What was that amount?

Mr. SMITH. \$5,000 (p. 1534).

It will be here noted that Mr. SMITH was not frank with the committee, but he first tried to make it appear that he had not talked with anybody in reference to campaign contributions.

He started out with the proposition when he became a candidate that it would take \$150,000 to run his campaign; and yet he says he contributed only \$5,000 of it. Where was the other \$145,000 to come from? Let us see what the testimony discloses:

The CHAIRMAN. Did you not discuss with Mr. Moore where money probably could be obtained?

Mr. SMITH. I did not.

The CHAIRMAN. Did he not say anything to you about that?

Mr. SMITH. No.

The CHAIRMAN. Did Mr. Moore agree to contribute any part of it himself?

Mr. SMITH. In an indefinite way he did.

The CHAIRMAN. What was the "indefinite way"?

Mr. SMITH. That he would put in a reasonable amount himself.

The CHAIRMAN. What did he designate as a reasonable amount?

Mr. SMITH. He did not indicate.

The CHAIRMAN. What did you understand him to mean?

Mr. SMITH. Well, I had no definite understanding, Senator, as to just how far he intended to obligate himself.

The CHAIRMAN. Where did he get the money?

Mr. SMITH. Mr. Moore will have to answer that; I do not know.

The CHAIRMAN. Do you know any of the sources from which he got the money?

Mr. SMITH. I only know in a general way.

The CHAIRMAN. What is a general way?

Mr. SMITH. I think that is a question that Mr. Moore should answer himself. He collected the money. I had nothing to do with the collection of the money.

The CHAIRMAN. It is a question, however, which we ought to ask and do ask. I want to get your information.

Mr. SMITH. Mine is only vague information, not based upon any real facts.

The CHAIRMAN. You got it from Mr. Moore, did you not?

Mr. SMITH. I got some.

The CHAIRMAN. Well, now, tell us what you got from Mr. Moore.

Mr. SMITH. I think Mr. Insull contributed some money.

The CHAIRMAN. How much?

Mr. SMITH. I do not know the exact amount.

The CHAIRMAN. Tell us what you do know. If you do not know the exact amount, what is your information?

Mr. SMITH. My best information is that it was around \$100,000, but I am not— (pp. 1535 and 1536).

He knew, Senators, that it would take about \$150,000, according to his own testimony. He knew how much he contributed. He knew the other \$145,000 was to come from somewhere, according to his own testimony, and I digress here long enough to say that that was an ideal piece of examination upon the part of the distinguished Senator from Missouri [Mr. REED]. He finally wormed out of Mr. SMITH, after he denied it and denied any knowledge of it, the fact that within his knowledge Mr. Insull had contributed \$100,000, though, as a matter of fact, he had contributed \$125,000.

The CHAIRMAN. How much did you give?

Mr. SMITH. \$5,000.

The CHAIRMAN. Was that given by check?

Mr. SMITH. No.

The CHAIRMAN. How was it given?

Mr. SMITH. In currency (p. 1534).

And again:

The CHAIRMAN. What information did you receive regarding total expenses of the campaign?

Mr. SMITH. I received that just lately.

The CHAIRMAN. Very well. What was it?

Mr. SMITH. Around \$250,000 (p. 1537).

And again:

The CHAIRMAN. He told you where he hoped to get money, did he not?

Mr. SMITH. He may have indicated to me that he could get money from this or that place. I have no recollection of that kind.

The CHAIRMAN. In any event, he was your trusted agent, and whatever he did in getting money he did for you?

Mr. SMITH. Whatever he did in getting money he did as campaign manager of Frank L. Smith for United States Senator—as chairman of the committee.

The CHAIRMAN. You are not in any way repudiating his acts now?

Mr. SMITH. No (pp. 1539 and 1540).

Again Mr. SMITH testified:

I have no knowledge of any other campaign contribution of any proportions excepting Mr. Insull's (p. 1544).

Again:

The CHAIRMAN. How long have you known Samuel Insull?

Mr. SMITH. About 12 years.

The CHAIRMAN. Have you ever had any political connection with him before this occurrence that we are speaking of?

Mr. SMITH. Oh, yes; not any political connection, but I have known him and have probably talked politics with him during the course of that 12 years (p. 1545).

Again, he testified that he had been chairman of the Illinois Commerce Commission for six years.

Again, the record discloses:

The CHAIRMAN. What was the particular reason for Mr. Insull giving this large sum of money in this instance?

Mr. SMITH. He will have to answer that.

The CHAIRMAN. Were you in any way surprised when you learned that he was going to make this large contribution, or had made it?

Mr. SMITH. Frankly, I was; yes (p. 1546).

Mr. SMITH undertook to read some sort of a paper, and in this paper he asked questions as follows:

If there is anyone who accuses me of wrongdoing, who is he, and where is he? What is his charge?

This man announced in the beginning that he thought it would take \$150,000 to run the campaign. He was going to contribute \$5,000 of it and turned over to Mr. Moore the job of raising the rest. He knew that Mr. Insull had given \$100,000. He knew it was a violation of the law under which he held his then office to receive money from Insull, and yet—listen to this excerpt from his prepared statement, a part of which I find in the record:

Is there anyone who accuses me of wrongdoing? Who is it and where is he? What have I done that is against law or against good morals?

Is it possible that Mr. SMITH does not understand? I am wondering if it can be possible that a man can be elected to the Senate from Illinois who does not understand that the acceptance of a \$100,000 campaign fund from the head of a public-utility corporation, which it was his duty as commissioner to regulate, was contrary to the law of Illinois? How can he ask such questions?

What have I done that is against law or against good morals? Is there any person who says that I used unlawful or immoral means to get a single vote?

He certainly must have been talking about the election.

What have I done that is against the law or against good morals? Is there any person who says that I used unlawful or immoral means to get a single vote? Is there any person who says I spent a single dollar for any unlawful or immoral purpose? If so, who is he, where is he, and when did he say it? If there is any person who is ready to make such a charge, should he not be called here to make it, where I can hear it; and before I am even requested to make any statement whatever? (p. 1546).

Think of putting that in the record after having admitted that with his knowledge, consent, and approval \$100,000 had been accepted from Mr. Samuel Insull, head of one of the great public-utility corporations in Illinois, when it was SMITH's duty as commerce commissioner to regulate that public utility.

Mr. President, the foregoing is exceedingly peculiar testimony. Think of a man who has been in Congress, who has served in the National House of Representatives, who has been collector of internal revenue, chairman of the Republican State Committee of Illinois three times, and for six years a member of the Illinois Commerce Commission, asking questions like these. Here was a law that disqualified him for holding office in the event he received any gift from anyone connected with public utilities, which it was his duty to regulate. He knew of this law, of course, and he knew, according to his own evidence, that Samuel Insull had contributed \$100,000 to his campaign; and yet, in a mock heroic way, he wants to know who is bringing such charges against him. Is it possible that Mr. SMITH can not understand the meaning of his own acts? His testimony is not frank. It is not open. The truth is there is an evident desire to conceal the truth. I do not see how any Senator can read his testimony and feel that a man that has his idea about truth and corruption can vote to seat him.

Later on Mr. SMITH was further examined, and he put in the record his connection with the public utility companies:

The CHAIRMAN. I take it, then, Mr. SMITH—let us see if we can not cut across lots and get to the point—that you had information that put you on notice of the fact that Insull had contributed?

Mr. SMITH. I would not put it that way, Senator. I had information that Mr. Insull was supporting my campaign. As to the amount, or any specific donations, I had no knowledge at that time (p. 1868).

It was shown that there had been reductions in surface-line car fares in Chicago.

The CHAIRMAN. Are the surface-car lines in Chicago understood to be an Insull property or not?

Mr. SMITH. No; I think not.

The CHAIRMAN. You did, about November, 1921, reduce the fares of the surface lines from 8 cents to 5 cents?

Mr. SMITH. Yes, sir.

The CHAIRMAN. Are the elevated roads in Chicago regarded as an Insull property or not?

Mr. SMITH. I believe so.

The CHAIRMAN. Has your commission the power to initiate proceedings to regulate the rates of any company?

Mr. SMITH. It has.

The CHAIRMAN. Did it initiate any proceedings to reduce the rates of the elevated lines?

Mr. SMITH. I can not recall whether the commission initiated the proceedings or whether the proceedings were there upon petition of some one else; but in 1921 such proceedings were initiated.

The CHAIRMAN. Were the rates reduced?

Mr. SMITH. They were.

The CHAIRMAN. How much?

Mr. SMITH. Aggregating about \$7,000,000 up to June 30 of this year.

The CHAIRMAN. But I am asking the rate per fare.

Mr. SMITH. I can explain it to you only by giving you the amounts and then giving you the weighted reduction per passenger, because there is a scale of rates.

The CHAIRMAN. Could you give me the scale of rates as it stood at the time the application was made?

Mr. SMITH. Yes; I think so. My recollection is that it was 10 cents per single ride, four rides for 35 cents, and that the rate put into effect by the commission after a hearing was, single fare 10 cents, three rides for 25 cents, and a book for \$1.25, permitting you to ride as often as you wanted to during the course of the month (p. 1869).

Three rides for 25 cents instead of four rides for 35 cents. This same commission reduced the fare on the surface lines from 8 to 5 cents, whereas the regular fare was left at 10 cents on the elevated lines controlled by Mr. Insull.

Of course nobody wants to be hypercritical, but it looks to me as if Insull could well afford to contribute \$125,000 to Mr. SMITH's campaign. There is a very considerable transaction there. It must have meant a great deal of money, and, looked at from the point of gratitude, I do not know but that Insull was right in contributing some of this money, even though it was a violation of law. I am now looking at it from the standpoint of Insull, the man who had received these great benefits from the chairman of the commission, who is the man who has asked to be seated in the Senate of the United States.

I come now to matters affecting the gas company:

The CHAIRMAN. What is the name of the great gas company here?

Mr. SMITH. The People's Gas Light & Coke Co.

The CHAIRMAN. That is regarded as an Insull property?

Mr. SMITH. Yes, sir.

The CHAIRMAN. Was there any application made for a reduction of the rates of that company?

Mr. SMITH. I think that was a citation by the commission (p. 1870).



He made some reduction in gas rates, but not to those who used under 400 cubic feet.

Mr. ASHURST. Mr. President, will the Senator yield to me there?

Mr. McKELLAR. I yield.

Mr. ASHURST. I note the Senator refers to a contribution or a donation made by Samuel Insull.

Mr. McKELLAR. Yes, sir.

Mr. ASHURST. Did the Senator use the word "contribution" or the word "donation," or both?

Mr. McKELLAR. I think I have used both.

Mr. ASHURST. Was it not an investment that Samuel Insull made rather than a contribution?

Mr. McKELLAR. One would think from examining the relationship between these two parties that it was not only an investment but a tremendously profitable investment for Mr. Insull. Other utility companies seem not to have invested quite so much and they did not get as good returns. Their fares were reduced from 8 to 5 cents, while brother Insull's remained at 10 cents, but as a lagniappe to the people those who bought tickets could get three for a quarter instead of four for 35 cents. Marvelous reduction!

Listen further—

The CHAIRMAN. Coming, now, to the People's Gas Light & Coke Co., I find that in 1923 its outstanding capital stock and surplus was \$55,731,680.

In 1924 it had increased to \$57,187,711.

In 1925 it had increased to \$61,929,406. Those figures, then, would indicate that that company had applied for the various increases of stock shown in these totals?

Mr. SMITH. I assume so; yes.

The CHAIRMAN. And that its requests had been granted to the extent indicated?

Mr. SMITH. Yes.

The CHAIRMAN. Likewise it is shown in this tabulation which I have that the People's Gas Light & Coke Co.'s bonded indebtedness increased from \$46,177,000 in 1923 to \$51,927,000 in 1925. That would indicate that the company had made application for an increased bonded indebtedness and had issued bonds under the direction of the commission or with the permission of the commission. That is right, is it?

Mr. SMITH. It would (p. 1874).

Ah, Mr. President, here we see the nefarious relationship. The chairman of the commerce commission permitting this power interest of Mr. Insull's to increase both its bonded indebtedness and its stock indebtedness by millions—\$10,000,000 in the two or three years since Mr. SMITH has been chairman—on which the people of Chicago had to pay reasonable returns, and in return for these favors—these enormous favors—and by reason of only a small reduction in fares and charges no wonder Mr. Insull was trying to give so valuable a friend \$125,000 for his campaign fund. He ought to have contributed half a million dollars, at least; and he may have done so for aught we know.

Mr. President, fraud and corruption permeates this entire transaction. This man comes to the Senate with unclean hands, and the Senate should exclude him. We already have the proof taken in this very case. This proof overturns any regularity in credentials. The Senate should not hesitate, but it should immediately exclude SMITH so that the great State of Illinois may appoint a man to come to the Senate for the time being whose hands are clean and whose selection does not grow out of one of the most corrupt campaigns that every took place in any State.

Mr. President, in England Parliament has always exercised full power to deal with the qualifications of its own members.

The power of Parliament to exclude is graphically set forth in the life of John Wilkes. He was very much opposed to the party in power and from an early period in his life undertook to get into Parliament. His first attempt was in 1754, when he spent \$20,000 and polled 192 votes. In 1757 he was elected at a cost of \$35,000. He then published a paper in which he abused an official of the Government, for which he was put in the tower. In 1764 he was expelled from the House for publishing the North Britain, an alleged scurrilous sheet. He was exiled for four years. In 1768 he was again a candidate for Parliament, but was defeated. He was then arrested and committed to prison for a republication of the North Britain and for publishing an Essay on Woman. He was then sentenced in the Court of King's Bench for 20 months' imprisonment. In 1769, having been again elected to the House of Commons, he was expelled. In 1769 he was reelected and expelled again. He was elected again in 1769 and expelled a second time. He was elected a fourth time, and Parliament declared his opponent entitled to the seat. In 1774 he was again elected to Parliament and this time held on. Then he moved

to have his former expulsion expunged from the record and finally did so. There is nothing in this case that bears on the present case, except the unrestricted right that the British Parliament has always taken in passing on the qualifications of its members.

But it is claimed that the question of fraud and corruption in the Smith election does not apply to this present application of SMITH to a seat in the Senate. It is claimed that inasmuch as SMITH is appointed by the governor to fill out an unexpired term that none of these questions can be raised. Such a contention, in my judgment, is purely technical and wholly without merit. SMITH's act in obtaining his election to the regular term by fraud and corruption permeates the whole affair. Indeed, according to the newspapers, Governor Small gave as his reason for appointing Smith that he had already been elected by the people. Small was elected at the same time. This directly connects the election of SMITH with the appointment of SMITH and makes the whole transaction fraudulent and, of course, the Senate should refuse to seat him.

But it is claimed for SMITH that a question of State rights is at issue. I see no question of State rights at all in this matter. The Senate is not refusing the State of Illinois its equal representation in the Senate. If SMITH was 20 years old and presented credentials otherwise regular, he would be excluded, and it would be no deprivation of State rights. The Governor of Illinois does not have to appoint Smith to fill this vacancy. He can appoint any other qualified citizen of Illinois, man or woman, and the Senate will receive him or her. I believe in State rights, but not in that kind of State rights. They would put through some measure that ought not to go through or put in some candidate who ought not to be in office. In these days many of those who clamor for State rights are simply asking to put over some nefarious deal or to prevent some worthy and progressive measure. The plea of State rights for SMITH and the plea of State rights for the bootlegger or any other law violator ought to go hand in hand.

Whether we look at it as a matter of principle, or whether we examine the textbooks on constitutional law, the history of the provision in the original Constitution, the statutes of the United States, the precedents in the House, or the precedents in the Senate, there can be no question about the Senate's power to exclude, and by a majority vote. Every legislative body has unlimited control over its own methods of organization and the qualifications or disqualifications of its members, except as specifically limited by the organic law. When our Constitution was framed there was practically no limit to the right and power in these respects of the English Parliament. Such power is necessary to the preservation of the body itself and to the dignity of its character. It has been said that in England it was at one time permissible to permit admission into the House of Commons minors, aliens, and persons not inhabitants of the political subdivisions from which they were elected, and to this day an inhabitant of London may be elected to Parliament by a Scotch constituency. It was these abuses that our Constitution makers desired to prohibit. They did not undertake to name all of the disqualifications, but simply pointed out those three in section 5 of Article I, and another one later on. It was not their purpose to interfere with the right of each House to pass upon the qualifications of its own Members other than in the particulars named.

#### ORIGINAL PROVISION

In the first draft of the Constitution the original provision was as follows—and I call the especial attention of the Senate to it because it is in the affirmative:

Every Member of the House of Representatives shall be of the age of 25 years at least; shall have been a citizen of the United States for at least three years before his election, and shall be at the time of his election a resident of the State in which he shall be chosen.

And a similar proviso in the affirmative was proposed as to the Senate.

This was opposed on the ground that it was impossible to make a complete list of qualifications and that a partial list might by implication tie the hands of Congress. Concerning this, Mr. Wilson, a member of the convention, said:

Besides a partial enumeration of cases will disable the legislature from disqualifying odious and dangerous characters.

Later, Mr. Wilson said:

It would be best, on the whole, to let the section go out; this particular power would constructively exclude every other power of regulating qualifications.

To meet these objections the section was finally reported and adopted in the negative form, which it now bears. So that the very question here at issue was discussed at the time the provision was put in the Constitution, and it was put in

in a negative form so it would not preclude each House from exercising its plenary power to pass upon other qualifications of its Members.

#### STATUTORY PRECEDENTS

That each House was not limited to the four disqualifications contained in the Constitution was certainly the belief of those who made the Constitution. Mr. Madison was a Member of the House in the First Congress. On April 30, 1790, the following act was passed:

That if any person is directly or indirectly given any sum or sums of money, or any other bribe or award, or any promise, contract, obligation, or security for the payment or delivery of any money, present, or award, or any other thing to obtain or procure the opinion, judgment, or decree of any judge or judges of the United States in any suit, controversy, or cause pending before him or them, and shall be convicted thereof, etc., he shall be confined and imprisoned, at the discretion of the court, and shall forever be disqualified to hold any office of honor, trust, or profit under the United States.

And in 1791 it was enacted that every judge of the United States who in anywise accepts or receives any sum of money or other bribe shall be fined and imprisoned, and shall be otherwise disqualified to hold any office of trust or profit under the United States.

Again, section 3 of Article I of the Constitution provides:

Judgments in the case of impeachments shall not extend any further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

Surely no one could contend that a man might be adjudged guilty of impeachment and still he might be qualified to be a United States Senator.

Section 5500 of the Revised Statutes prohibits a Member of either House of Congress from asking, accepting, or receiving any money or any promise, contract, obligation, gratuity, or security for the payment of money either after he has been qualified or after he has taken his seat as a Member, and if convicted thereof he shall be fined, imprisoned, etc.; and section 5502 further provides:

Every Member, officer, or person convicted under the provisions of the two preceding sections who holds any place of profit or trust shall forfeit his place of honor and trust and shall forever be disqualified for holding any place of honor or trust under the United States.

Now, is it possible that a man convicted under this statute could still be a Senator after having the three constitutional qualifications and being elected by the people of his State? It will be remembered that in 1862 the test act was passed, which placed a further qualification on the right of a Senator to hold office, so it appears that from our earliest history on down our Congress has acted upon the principle that each House had full and complete power to pass upon the qualifications of its own Members.

It is true that in Mr. Story's work on the Constitution, in speaking of the qualifications provisions, it would seem that other qualifications could not be added. On the other hand, other constitutional writers seem to unite in thinking that other qualifications could be added. Mr. Pomeroy says:

The power given to the Senate and to the House of Representatives, each to pass upon the validity of the elections of its own Members, and upon their personal qualifications, seems to be unbounded. \* \* \* Indeed, there is absolutely no restraint upon its exercise except the responsibility of the Representatives to their constituents.

Throop on Public Offices says:

The general rule is that the legislature has full power to prescribe qualifications for holding office in addition to those prescribed by the Constitution, if any, provided that they are reasonable and not opposed to the constitutional provisions or to the spirit of the Constitution.

Mr. Cushing says:

To the disqualifications of this kind may be added those which may result from the commission of some crime which would render the Member ineligible.

Mr. John Randolph, in the House of Representatives in 1807, said:

If the Constitution had meant as we contend to settle the qualifications of Members, its words would naturally have run thus, "Every person who has attained the age of 25 years and been seven years a citizen of the United States and, who shall, when elected, be an inhabitant of the State from which he shall be chosen, shall be eligible for the House of Representatives."

But so far from fixing the qualifications of that House, the Constitution merely enumerates a few qualifications within which the Senate was left to act.

Professor Burgess declared:

I think it is safe to say that either House might reject an insane person or might exclude a grossly immoral person.

A number of cases have arisen in the House. One of the most notable was the refusal of the House of Representatives to accept the credentials of the celebrated Sergeant S. Prentiss and his colleague in 1837. From the facts as I can best get them from speeches made by Mr. Prentiss, it appears that in July, 1837, apparently at a special election, Messrs. Claiborne and Gholson were elected to Congress from Mississippi. At the November election Mr. Prentiss and his colleague ran and were elected. They received credentials from the Governor and presented the credentials to the House of Representatives. They first seated Mr. Claiborne and Mr. Gholson, and then afterwards decided that they were not entitled to their seats, and afterwards decided their elections were void. Still the House would not seat Prentiss and his colleague, and they went back home and ran again, were elected, and were sworn in. Now, Messrs. Prentiss and Word had every qualification in the Constitution. They had a certificate from the Governor in every way regular, and yet the House denied them their seats until after a subsequent election.

In 1867 the Members elected from the State of Kentucky presented their credentials to the House, but they were not sworn in because they were disloyal and had expressed disloyal sentiments. They had all the qualifications under the Constitution. At this time the House assumed jurisdiction, tried the cases in advance of administering the oath, and where it happened that at some time the claimant had not been loyal he was excluded, and where he had been loyal he was sworn in.

In the Forty-first Congress the House of Representatives asserted its right to exclude a Member elect with a perfect certificate and possessing all of the so-called qualifications. This is the case of Whittemore, from South Carolina. It was charged against him that he had sold a cadetship, and was, therefore, unworthy to be a Member of the House. He resigned. The House passed a resolution of censure. Whittemore went back home, was reelected, and returned to the same session of Congress with his certificate of election under the broad seal of the State of South Carolina. Objection was made by no less a person than Gen. John A. Logan, who asserted the right of the House to exclude a man guilty of such an offense as Whittemore had committed. General Logan made a wonderful speech in the case.

I want to quote what General Logan said in that case. It applies exactly to this one. Said General Logan:

We have the right to say that he shall not be a man of infamous character. He is not merely a representative of the constituents who elect him, but his vote in the House is a vote for the whole Nation. It is a vote for the people of the whole country, and every district in the United States has the same interest in his vote that his own district has. Hence, if Congress shall not have the power or authority or shall not have the right to exclude a man of that kind, then the rights of the people of the whole country may be destroyed by a district sending a representative who may be obtained to vote in a manner which may be destructive to the rights of the people.

And again General Logan said:

Congress, being the Representatives of the whole people, are entitled to say that the rights of the whole country shall not be destroyed by one or more districts throwing in here a man, or set of men, capable of their destruction; and that, having knowledge of the facts, and the power to prevent the mischief by exercising the right of exclusion, they have a right to exercise that power, and thereby protect the interests of the country, and to preserve instead of destroy the right of representation.

And, again:

For crime, sir, we have a right to proscribe a man.

And I repeat that statement here. For Mr. SMITH's crime in violating the laws of Illinois we have a perfect right to exclude him when he presents his credentials here.

This case was not even sent to a committee, it being asserted that the House itself had knowledge of the facts.

This case is directly in point with the Smith case. Whittemore sold a cadetship. SMITH accepted campaign funds contrary to law. The Smith case is really worse than the Whittemore case.

#### THE CANNON CASE

In 1880 Cannon was overwhelmingly elected a delegate to the Congress from Utah. The committee reported that as Cannon was a polygamist he was ineligible and unqualified to be a Member of Congress. At that time the Edmunds law had not been passed, and there was no statutory ground of



eligibility. The Edmunds law was passed while the Cannon case was being tried. Cannon was excluded by a vote of 173 to 79.

I want to call attention now to the speech of Mr. Burrows, who afterwards served in this body.

In the Cannon case Mr. Burrows said:

But it will be observed that the Constitution does not undertake to specify those things which disqualify a person for membership. The doctrine is well settled that to entitle a person to a seat in this House he must not only possess those affirmative qualifications mentioned in the Constitution, to wit, residence and citizenship, but he must be free from those things which by common parliamentary law disqualify. In other words, a Representative, though duly elected and possessing all the constitutional qualifications, we would deny admission to a person infected with a contagious disease, and would be justified in so doing.

Should a member elect, after he was chosen, be arrested and convicted of some infamous offense and punished by imprisonment in the State prison, would it be contended that if he should present himself at the bar of this House at the expiration of his term of imprisonment and demand to be received into membership, that it would not be within the constitutional power of this body to refuse him admission? Instances of personal disqualification might be multiplied indefinitely. This is sufficient, however, to illustrate my point.

Mr. FLETCHER. Mr. President, will the Senator allow me to interrupt him?

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Tennessee yield to the Senator from Florida?

Mr. McKELLAR. Certainly.

Mr. FLETCHER. I recall that Mr. Burrows, to whom the Senator has referred, was chairman of the standing Committee on Privileges and Elections when I came here in March, 1909; and when my commission was laid before this body he asked to have it referred to his committee. The commission was based upon an election by the Legislature of Florida, which was unanimous; there was not a vote to the contrary; and yet at that time the practice was to refer the commissions of Senators to that committee.

Mr. McKELLAR. I think the practice never ought to have been discontinued. I doubt whether it will be discontinued in the future.

I just want to add what Mr. Burrows so well said; and, of course, knowing the qualifications that the senior Senator from Florida had at that time and still has, and knowing that he had been elected by perfectly honorable means, he did not put him in the category of those about whom he was speaking here:

The American people have long enough endured the shame of having seated in their high council a man who offends public decency, disturbs social order, defies national authority, and outrages the moral sense of all Christendom. Let the humiliation end now and forever.

The remarks of Mr. Burrows are apt here. Here is a man who is a law-violator, who accepts gifts for campaign funds from public service corporations, which it was his duty to regulate. He has so acted that he has made himself subject to removal from office in the State of Illinois. He has broken the law. He has engaged in corrupt practices to secure a seat in the Senate. He has violated the decree of the Senate that a man who spends as much as \$195,000 for his election has acted contrary to public policy, has committed an offense against the honor and dignity of the Senate, and is dangerous to the perpetuity of a free government. How could any such man expect to be admitted to this body, by appointment or otherwise?

I next come to the case of Brigham H. Roberts. In 1862 the Congress passed this law, section 5352:

Every person having a husband or wife living who marries another, either married or single, in a territory, or otherwise, over which the United States has exclusive jurisdiction, is guilty of bigamy and shall be punished by a fine of not more than \$500 and be imprisoned for a term of not more than five years.

The Edmunds law provided that:

No polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section in any territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such territory or other place, or be eligible for election or appointment to, or be entitled to hold, any office or place of public trust, honor, or emolument in, under, or for any such territory or place, or under the United States.

Mr. Roberts was elected to the Fifty-sixth Congress; and thereupon, on December 5, 1899, the House passed the following resolution. I want to call the attention of Senators to this

resolution. In substance, it is exactly like the procedure that is being invoked here:

*Resolved*, That the question of the prima facie right of Brigham H. Roberts to be sworn in as a Representative from the State of Utah in the Fifty-sixth Congress, as well as of his final right to a seat therein as such Representative, be referred to a special committee of nine Members of the House, to be appointed by the Speaker; and until such committee shall report upon and the House decide such question and right, the said Brigham H. Roberts shall not be sworn in or be permitted to occupy a seat in the House.

The committee met and further reported:

We find that Brigham H. Roberts was elected as a Representative to the Fifty-sixth Congress from the State of Utah, and was at the date of his election above the age of 25 years; that he had been for more than seven years a naturalized citizen of the United States and was an inhabitant of the State of Utah.

We further find that about 1878 he married Louisa Smith, his first and lawful wife, with whom he has ever since lived as such, and who since their marriage has borne him six children.

That about 1885 he married as his plural wife Celia Dibble, with whom he has ever since lived as such, and who since such marriage has borne him six children, of whom the last were twins, born August 11, 1897.

That some four years after his said marriage to Celia Dibble he contracted another plural marriage with Margaret C. Shipp, with whom he has ever since lived in the habit and repute of marriage. Your committee is unable to fix the exact date of this marriage. It does not appear that he held her out as his wife before January, 1897, or that she before that date held him out as her husband, or that before that date they were reputed to be husband and wife.

That these facts were generally known in Utah, publicly charged against him during his campaign for election, and were not denied by him.

That the testimony bearing on these facts was taken in the presence of Mr. Roberts, and that he fully cross-examined the witnesses but declined to place himself upon the witness stand.

The committee is unanimous in its belief that Mr. Roberts ought not to remain a Member of the House of Representatives. A majority are of the opinion that he ought not to be permitted to become a Member; that the House has a right to exclude him. A minority are of the opinion that the proper course of procedure is to permit him to be sworn in and then expel him by a two-thirds vote under the constitutional provision providing for expulsion.

Mr. Roberts was excluded, and properly so, by a vote of the House. The committee, among other things, reported on the right to exclude as follows:

The objection is made to the refusal to admit Roberts that the Constitution excludes the idea that any objection can be made to his coming in if he is 25 years of age, has been seven years a citizen of the United States, and was an inhabitant of Utah when elected, no matter how odious or treasonable or criminal may have been his life and practices.

To this we reply—

1. That the language of the constitutional provision, the history of its framing in the constitutional convention, and its context, clearly show that it can not be construed to prevent disqualification for crime.

2. That the overwhelming authority of textbook writers on the Constitution is to the effect that such disqualification may be imposed by the House, and no commentator on the Constitution specifically denies it. Especial reference is made to the works of Cushing, Pomeroy, Throop, Burgess, and Miller.

3. The courts of several of the States, in construing analogous provisions, have with practical unanimity declared against such narrow construction of such constitutional provisions.

4. The House of Representatives never denied that it had the right to exclude a Member elect, even when he had the three constitutional requirements.

5. In many instances it has distinctly asserted its right so to do in cases of disloyalty and crime.

6. It passed in 1862 the test oath act, which imposed a real and substantial disqualification for membership in Congress, disqualifying hundreds of thousands of American citizens. That law remained in force for 20 years, and thousands of Members of Congress were compelled to take the oath it required.

7. The House in 1869 adopted a general rule of order, providing that no person should be sworn in as a Member against whom the objection was made that he was not entitled to take the test oath, and if upon investigation such fact appeared, he was to be permanently debarred from entrance.

The Roberts case is exactly in point. Mr. Roberts was excluded from taking the oath because of his violation of the law of the land.

Mr. President, those are the House precedents. I next come to the Senate precedents. Before I begin on them I might

state to the Senate that where questions have arisen relative to the right of any person appointed by a governor, almost the uniform procedure has been to refer the case to a committee, without the appointee taking the oath, and then, upon the report of the committee, to allow him to take the oath or not, according to the decision of the Senate.

1. Uriah Tracy, Senator from Connecticut in 1796. The oath was administered to him, by a vote of 13 to 10, after question had been raised as to his credentials.

2. Samuel Smith, Senator from Maryland in 1809, presented his credentials. He was appointed by the governor, and he was seated by a vote of the Senate on June 6. Apparently he was not allowed to take the oath until the Senate seated him.

3. Samuel S. Phelps, a Senator from Vermont in 1853, was sworn in. He was afterwards declared entitled to his seat.

4. Jared W. Williams, in December, 1853, came as a Senator from New Hampshire, and he was sworn in. It seems that Williams was afterwards declared entitled to his seat, and apparently he held his seat.

5. Horace Chilton, of Texas, appeared and was sworn in, and he was declared entitled to his seat.

6. Humphrey Marshall, Senator from Kentucky. He was charged by certain judges in Kentucky with gross fraud in judicial proceedings. His credentials were presented February 26, 1796, and referred to a committee. The Senate decided to admit Mr. Marshall.

7. William Blount and William Cocke, the first two Senators from Tennessee, were appointed on May 9, 1796. The Senate took no action except to order that the matter lie over. On May 23, 1796, it was ordered as follows:

That Mr. Blount and Mr. Cocke, who claim to be Senators of the United States, be received as spectators, and that chairs be provided for that purpose until final decision of the Senate shall be given on the bill proposing to admit the southwestern Territory into the Union.

On June 1, however, after an investigation, they were duly admitted.

8. Stanley Griswold, a Senator from Ohio, 1809. His credentials were submitted, and he qualified and took his seat.

9. Ephraim Bateman, elected to the Senate. The oath was administered. He was allowed to keep his seat.

The Niles case has already been referred to.

10. W. T. Willey and John S. Carlile, Virginia, 1861. There was an effort to refer them to committee, but they were allowed, by a majority vote, to take the oath.

11. Cases of Frederick P. Stanton and James H. Lane, Kansas, 1861. They were allowed to take their seats.

12. David T. Patterson, of Tennessee. In July, 1866, his credentials were read.

They were referred to the Committee on the Judiciary to inquire into the qualifications of Mr. Patterson. It was afterwards held that he was entitled to his seat.

13. George Gold, of Alabama, presented his credentials and asked to take the oath, but his case was referred to a committee. That was on February 6, 1871. He was allowed to take the oath in 1872.

Then, there are miscellaneous Senate cases, to which I will now refer.

James Shields. He was Senator from Illinois, presented his credentials in 1849, and was sworn in, but it was afterwards held that he was not a citizen.

Lyman Trumbull, Senator from Illinois. His credentials were presented and the oath was administered to him. Afterwards it was held that he was ineligible.

James Harlan, Senator from Iowa. His credentials were presented on December 3, 1855, and he was sworn in. His place was afterwards declared vacant.

Fishback, Baxter, and Snow. Their cases came up in 1864. They were referred to a Committee on the Judiciary, and there was a report on May 21, 1864. On February 21, 1866, a motion was made that they were not entitled to their seats, but it was laid on the table. None of them was afterwards seated.

In December, 1864, the credentials of Cutler, Smith, and Hahn were ordered to lie on the table. They were sent to a committee, and the applicants were never seated.

In 1865 the credentials of Segar and Underwood were submitted from Virginia. They were not admitted.

John P. Stockton, New Jersey, 1865. His credentials were submitted on December 4, 1865, and he took the oath. It was held that he was not entitled to his seat.

Philip S. Thomas, of Maryland, has heretofore been referred to. His case was referred to a committee, and it was afterwards decided that he was not entitled to his seat.

Thomas Norwood and Foster Blodgett, of Georgia. Their credentials were presented and referred to a committee. Blodgett never was sworn in. Norwood was sworn in on December 19, 1871.

Ransom and Abbott, North Carolina, March 7, 1871, the credentials of Mr. Abbott were presented and referred to a committee. Abbott was declared not entitled to his seat. Ransom on February 5, 1872, appeared and took the oath.

In 1844 the credentials of John M. Niles were presented and objection was made to the oath being administered. Mr. Jarnagin submitted a resolution referring the credentials of Mr. Niles to a select committee, which was instructed to inquire into the election, return, and qualifications of the said John M. Niles, and into his capacity at this time to take the oath prescribed by the Constitution of the United States. That was on the 30th of April, and on May 16 following Mr. Niles was permitted to take the oath of office. His mind had become impaired and he had been in an insane asylum, but the committee reported that while he was laboring under mental and physical disability he was not of unsound mind in the technical sense of that phrase. This case establishes the right of the Senate to refuse to allow the oath to be taken until after an examination by the committee. In other words, it asserts its right to exclude.

Another case in the Senate was that of Philip F. Thomas, of Maryland. His credentials were presented on March 18, 1867, and the following day were referred to the Judiciary Committee. There was a very elaborate debate. The charge against him was that he had been disloyal, and that he was, therefore, incapable of taking the test oath which was provided for in the act of July, 1862. Thomas was excluded by a vote of 27 to 20.

SENATORS WHOSE CREDENTIALS WERE REFERRED TO THE COMMITTEE AND SEATED OR UNSEATED UPON REPORT OF THE COMMITTEE

Kensley Johns, of Delaware, 1794. Mr. Johns presented his credentials. Whereupon it was moved that they be referred to the consideration of the Committee of Elections before the said Kensley Johns should be permitted to qualify. The committee reported that he was not entitled to his seat, and it was so ordered by the Senate.

James Lanman, of Connecticut, 1825. Exception being taken to the credentials, they were referred to a committee. After a hearing a resolution was presented providing:

That the Hon. James Lanman, appointed a Senator by the Governor of the State of Connecticut, be now admitted to the oath required by the Constitution.

The oath was refused—yeas 18, nays 23.

Ambrose H. Sevier, of Arkansas, 1837. His credentials were referred to a committee, and the following resolution was offered:

*Resolved*, That the Hon. Ambrose H. Sevier, appointed a Senator by the Governor of the State of Arkansas, have the oath required by the Constitution administered to him.

He was admitted by a vote of 26 to 19.

Archibald Dixon, of Kentucky, 1852. The first motion was:

*Resolved*, That the credentials of Archibald Dixon, Esq., be referred to the Committee on the Judiciary, who shall consider and report thereon.

For this a substitute was offered as follows:

That the Hon. Archibald Dixon was duly elected by the Legislature of the State of Kentucky, to fill the vacancy in the Senate occasioned by the resignation of the Hon. Henry Clay, and is entitled to a seat therein.

This was passed.

Charles H. Bell, of New Hampshire, 1879. The Vice President presented his credentials on Tuesday, March 18, 1879. On motion of Mr. Wallace it was ordered that the credentials lie on the table, and a resolution was offered as follows:

*Resolved*, That Hon. Charles H. Bell is not entitled to a seat as a Senator by virtue of the appointment by the executive of New Hampshire.

Majority and minority reports were filed. Mr. Bell was afterwards seated, on April 10, 1879, by 25 to 38.

Lee Mantle, Montana, 1893. The credentials were referred to the Committee on Privileges and Elections on March 9, 1893. On March 27, 1893, Mr. Hoar, from the Committee on Privileges and Elections, reported the following resolution.

*Resolved*, That Lee Mantle is entitled to be admitted to a seat as Senator from the State of Montana.

On August 23 Mr. Vance offered a resolution providing that—

Mr. Lee Mantle is not entitled to a seat in this body—

which was carried by a vote of 35 to 30.



The case of Mr. Mantle was a very famous one, and upon the action of the Senate in that case quite a number of other cases which arose afterwards were decided, among them the following:

A. C. Beckwith, of Wyoming, 1893: The Legislature of Wyoming having adjourned without the election of a Senator, the Governor of Wyoming appointed Mr. Beckwith to the Senate. His credentials were referred to a committee, and on March 27 the committee decided that he was not entitled to a seat. Beckwith resigned.

John B. Allen, of Washington, 1893: John B. Allen was appointed and his credentials were referred to the Committee on Privileges and Elections. A report was made on March 27, 1893, stating that Mr. Allen was entitled to his seat. The Senate refused to seat Mr. Allen.

Henry W. Corbett, of Oregon, 1897: His credentials were presented and were referred to a committee on February 28, 1897. The committee reported that Corbett was not entitled to his seat, and on March 18, 1897, the Senate by a large majority upheld the report.

Case of Andrew T. Wood, of Kentucky. Mr. Wood was appointed to fill the vacancy in the Senate caused by the death of Mr. Blackburn. His credentials were referred to the Committee on Privileges and Elections. No report was made. Mr. Deboe was by that time elected to the Senate and took his seat, and that ended the matter.

John A. Henderson, of Florida: A similar situation existed. The next case was that of Matthew Quay. It will be remembered that that was a famous case. It arose probably within the time of some of the Senators present, no doubt within the service of the senior Senator from Florida [Mr. FLETCHER], whom I see before me.

It will be remembered that the Legislature of Pennsylvania did not elect a Senator, but adjourned without election. Thereupon the Governor of Pennsylvania appointed Mr. Quay, but he was not sworn in. His case was referred to the Committee on Privileges and Elections, and after one of the most notable fights before a committee, majority and minority reports were made, and Mr. Quay was excluded by a majority of one vote.

It will thus be seen from a study of the cases which are directly in point that the usual, ordinary, regular, ordained procedure in the Senate, where questions arise involving qualifications of Members of this body before they get here, is to have the man not take the oath until an examination is had by the committee. There have been exceptions to that rule, but the exceptions are few. The general rule is as I have stated.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

Mr. McKELLAR. Certainly.

Mr. FLETCHER. In the Quay case the question was not as to Mr. Quay's qualifications; but the case was determined on the power and right and authority of the governor to appoint.

Mr. McKELLAR. That is true, and that has been the question in many of the Senate cases which have arisen. I call to the attention of the Senate the fact that Mr. Quay's credentials were absolutely regular on their face. There was a vacancy. Mr. Quay had all the qualifications provided by the Constitution. Yet the Senate went behind his credentials to examine into the facts. So here, Mr. SMITH has all the constitutional qualifications, I have no doubt. He has the three constitutional qualifications mentioned. His credentials are regular on their face. But it is charged, and the committee have reported the fact to the Senate, that Mr. SMITH violated the law in his own State, for which violation the Senate has a right to vote as to whether or not they will permit him to take a seat here, or whether he shall be excluded.

In 1862 Benjamin Stark was appointed a Senator from Oregon and was allowed to take his seat. It seems that the charge of disloyalty was made against him, but was not proved.

Mr. Lyman Trumbull, who made one of the reports in the case, said:

Does anyone doubt the power of Congress under this clause of the Constitution to declare that a person convicted of treason should forever be incapable of holding any office under the United States? If this were done, would it be contended that a convicted traitor was entitled to be sworn as a Senator? The clause of the Constitution prescribing the qualifications of Senators and Representatives could never have been intended to limit the power to make disqualifications to hold those or any other offices a penalty for the commission of crime, especially of treason.

Doubtless, he says, a law of Congress declaring that a person convicted of a particular offense should not hold office under the United

States, and the decision of the courts sustaining such a law would not preclude the Senate from admitting such a person to a seat should it think proper, because the Senate is the exclusive judge of the elections, returns, and qualifications of its own Members. Yet it is hardly conceivable that the Senate ever would admit such a person to be sworn; nor does the fact that Congress has not adopted such a punishment for disloyalty or treason prevent the Senate from refusing to allow to be sworn as a Member a person believed by the body to be guilty of those offenses or other infamous crimes.

That one avowed traitor, a convicted felon, or a person known to be disloyal to the Government has a constitutional right to be admitted into the body would imply that the Senate had no power of protecting itself—a power which, from the nature of things, must be inherent in every legislative body. Suppose a Member sent to the Senate, before being sworn, were to disturb the body and by violence interrupt its proceedings, would the Senate be compelled to allow such a person to be sworn as a Member of the body before it could cast him out? Surely not, unless the Senate is unable to protect itself and preserve its own order. The Constitution declares "that each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and with the concurrence of two-thirds expel a Member."

The connection of the sentence in which the power of expulsion is given would indicate that it was intended to be exercised for some act done as a Member and not for some cause existing before the Member was elected or took his seat. For any crime or infamous act done before that time the appropriate remedy would seem to be to refuse to allow him to qualify, which, in the judgment of the undersigned, the Senate may properly do, not by way of adding to the qualifications imposed by the Constitution but as punishment due to his crimes for the infamy of his character.

I now come to a case which many Senators now present will remember. I was not a Member of the Senate at that time, though I think I was a Member of the House. I was intensely interested in the case. The applicant was a man who had been my life-long friend. I knew him when I was a child. He was one of the ablest and best men in this country, one of the finest men who ever trod the ground in shoe leather. I refer to the Hon. Frank P. Glass, of Alabama.

After the adoption of the seventeenth amendment, a vacancy occurred in one of the senatorships from Alabama. The governor of that State, the Hon. Emmett O'Neal, appointed Mr. Frank P. Glass as a Senator from Alabama. Mr. Glass presented his credentials, which were absolutely regular on their face. He had all the qualifications provided in the Constitution, and all the qualifications any other man could probably have, because he was a wonderfully fine man. Yet his credentials were referred to a committee, because of an alleged vice in the power of the governor to appoint, and by a majority of one vote, as I recall, he was not allowed to take his seat. The case of Mr. Glass is directly in point with the Illinois case in every way. I always thought the Senate made a mistake in not seating Mr. Glass.

I come now to another very famous case, and I see sitting before me the distinguished Senator to whom I am about to refer. It is the case of the Hon. REED SMOOT, one of the most famous cases that was ever brought before the Senate. Senator Smoot was sworn in without objection, on the 5th day of March, 1903, and it was said in the report in his case:

In cases where the credentials of a Senator consist of a certificate of his due election from the executive of his State, he is entitled to be sworn in, and that all questions relating to his qualifications should be postponed and acted upon by the Senate afterwards.

That case was referred to a committee, elaborate hearings were had, and a full report was made, in which it was held that the distinguished Senator from Utah was not guilty of any offense that had been charged against him and that he was entitled to his seat here. That was in a case where there was an election. It was not a case where one was appointed to office, as is the case with Mr. Smith.

I take it that the only thing the Smoot case really decided was that a vote of two-thirds was required to exclude a Member. The resolution in that case was overwhelmingly defeated. My recollection is the vote was 28 in favor of the resolution and forty-odd against it. That was one of the very few exceptions that have been made to the general rule of denying the right to take the oath and proceeding to investigate and report. We all know Senator Smoot was entitled to his seat.

The next case—and the last case, I believe—was that of Mr. NYE, with which we are all familiar. Mr. NYE was appointed by the Governor of North Dakota. He had all the qualifications prescribed by the Constitution, and I believe he had all the qualifications that commonly should be found in a Senator of the United States. There were three other Senators here

from other States—one from Missouri, one from Massachusetts, one from Indiana—holding like appointments under similar circumstances, and all of them had been admitted without any objection of any sort. But when Mr. NYE came for some reason his credentials were objected to, and it will be remembered that they were referred to a committee, and Mr. NYE did not take the oath. There was no formal action about it, but so much opposition had arisen that Mr. NYE did not present himself for the oath, and the committee that investigated reported against Mr. NYE being seated. Yet the Senate, passing upon the merits of the case, seated Mr. NYE.

Mr. BLEASE. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BLEASE. Was not the question involved in that case that of the right of the governor to appoint?

Mr. McKELLAR. Yes; but it is a perfectly relevant case. There is no distinction. Mr. NYE had all the qualifications prescribed in the Constitution. The right of the governor to appoint was in question there. In this case the question is the right of the applicant to be seated. There is no possible difference in principle between the procedure in the two cases. Both are cases where the governor appointed. Both were cases where the governor appoints.

Mr. President, the Constitution provides that no State without its consent shall be deprived of its equal suffrage in the Senate. That is the only provision of that kind in any constitution, I suppose, that was ever made. The only way that provision could be repealed would be by the unanimous consent of every State in the Union. It can not be repealed by amendment. No State shall be deprived of its equal representation in the Senate save by its own consent. I take it that as long as one State does not consent, that provision can not be interfered with.

It is said that in some marvelous way this provision of the Constitution is being violated in the present case. I deny it. There is no violation of that provision. We are not denying to Illinois her equal representation in the Senate. We are merely saying, should we exclude Mr. SMITH, that this man who has been appointed has not the proper qualifications, that he has been guilty of corruption in his own State, and that he is not entitled to be seated. If the Senate votes that way, immediately the Governor of Illinois has the right to appoint another man. Illinois will not be deprived of her equal representation in the Senate.

Mr. HEFLIN. Mr. President—

Mr. McKELLAR. I yield to the Senator from Alabama.

Mr. HEFLIN. If the Senator will permit me, the governor in this case knew before he appointed Mr. SMITH that there was objection to him and that he probably would not be acceptable to the Senate.

Mr. McKELLAR. I saw that in the newspapers and I have already referred to it. If it is so, it connects this appointment up absolutely with the primary and with the election itself.

Mr. President, under these circumstances I sincerely hope that Mr. SMITH will not come here. I hope he will think better of it. I hope he will not present himself to take the oath of office. It is always embarrassing to vote against anyone who presents himself here to take the oath. It is always embarrassing for Senators to vote against a fellow Member or against a man who has been elected to be a fellow Member. I hope he will save the Senate the embarrassment of voting against him, but in my humble judgment there never was a more important question that has arisen before this body. If we seat Mr. SMITH and permit him to serve here as a Senator for however short a time, we will give notice to men and women in every State in the Union, "If you have the money to buy a seat in the United States Senate and are willing to spend the money for its purchase, go ahead. The Senate has no authority or desire to prevent such a purchaser from taking his seat." On the other hand, if the Senate rises up to the full measure of its duty, as I believe it will should this question arise, it will be notice to every man and woman in the country that there is one body in which a seat can not be bought and then retained.

Not only that, but it will be notice to all those who are likely to engage in fraud and corruption to come here that they had better not commit it. It is a matter of vital importance to the people of the Republic. Let us not make any mistake about it. Let us vote our conscientious convictions about it. This man has violated the law, admits in his own testimony that he has violated the law, and it is the duty of the Senate to exclude him and not permit him to take his seat and not take the oath of office.

Mr. BLEASE. Mr. President, before the Senator takes his seat, will he yield to me?

Mr. McKELLAR. I had finished, but I am perfectly willing to yield.

Mr. BLEASE. I noticed this morning and listened with a great deal of interest to a controversy between the Senator from Tennessee, the Senator from Connecticut [Mr. BINGHAM], and the Senator from Montana [Mr. WALSH]. I would like to ask the Senator from Tennessee, if his argument holds good, how any man who came from a State which seceded from the Union could ever have become a Member of the Senate unless he was born after the close of the Civil War and lived as a citizen of his State for 30 years, not having participated in what some people very erroneously and falsely call the rebellion.

Mr. McKELLAR. Mr. President, with all due and proper respect to my esteemed friend from South Carolina, all those questions have been settled so long ago that it seems to me that it is not necessary to go into them here. I do not think they are pertinent, and I hope he will excuse me.

Mr. BLEASE. I know the question has been settled, but the Senator's argument to-day, in my opinion, would have excluded from the Senate every man who took any part in the Civil War on the part of the Southern States. At a proper time I shall address myself to the Senate on that question.

Mr. McKELLAR. I shall be very glad to listen to the Senator when he addresses the Senate. I do not think any such conclusion can be rightfully reached from my argument.

Mr. BLEASE. No man loved that cause better than I, nor is truer to it.

Mr. McKELLAR. I shall be glad to listen to the Senator, but it does not seem to me the question is pertinent.

Mr. BLEASE. I knew my friend could not answer.

#### ORDER OF BUSINESS

Mr. BORAH. I move that the Senate proceed to the consideration of executive business.

Mr. McNARY. Mr. President—

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Idaho yield to the Senator from Oregon?

Mr. BORAH. I yield to the Senator. I did not know he was in the Chamber.

Mr. McNARY. I hope the Senator will let us proceed with the Agricultural Department appropriation bill.

Mr. BORAH. I did not see the Senator in the Chamber when I submitted my motion. If the Senator wishes to proceed with the appropriation bill, I have no objection.

The PRESIDING OFFICER. The Chair understands the Senator from Idaho to withdraw his motion?

Mr. BORAH. I withdraw the motion.

#### AGRICULTURAL DEPARTMENT APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15008) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1928, and for other purposes.

Mr. McNARY. Mr. President, may I submit just one observation?

Since making a survey of the activities of this department the Bureau of the Budget fixed the sum of \$133,000,000, in round figures, as necessary to carry on the activities of the department for the fiscal year ending June 30, 1928. This includes, of course, the practical activities of the department as well as the surveys of the forests and the construction of roads in cooperation with the States and the construction of forest roads in national forests.

The House appropriated \$128,000,000 to carry on the work. When the bill reached the Senate it was referred to the Committee on Appropriations and that committee has added \$201,000 to the amount carried in the House bill. I am pleased to report at this time that the amount carried in the bill as reported from the Senate Committee on Appropriations is \$4,500,000 less than the estimate of the Director of the Budget.

I ask that the clerk proceed with the reading of the bill.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Utah?

Mr. McNARY. I yield.

Mr. KING. May I inquire of the Senator whether there is any item in the bill providing that the Agricultural Department may send representatives abroad who are attempted to be clothed with the power of the State Department, much as are the representatives of the Department of Commerce? It has become fashionable now for every department of the Government to have commercial attachés and business attachés and other attachés abroad, all of whom are trying to get under the coat tails of the State Department. I was wondering if



that pernicious practice has fastened itself upon the Department of Agriculture and whether this bill perpetuates it.

Mr. McNARY. No. There is, however, a bill on the calendar which would authorize attachés of the Department of Commerce to cooperate with the Department of Agriculture in the promotion of foreign trade.

In this bill, however, to be quite fair to the Senator from Utah, there is an item which provides for an exploration party or a party of experts to go into China, Manchuria, Korea, and other Asiatic countries and attempt to locate or discover chestnut trees which are immune from blight. That appropriation is in the sum of \$40,000. It does not obtain as to any other activity of the Department of Agriculture. I thought it fair to make this statement to the Senator from Utah. While the general scope of his question does not include such an exploration, it is the assignment of a party to go abroad for, we think, a useful purpose.

#### IMPORTATION OF MILK

Mr. LENROOT. Mr. President, will the Senator from Oregon yield to me?

Mr. McNARY. Very gladly.

Mr. LENROOT. I wonder if the Senator would yield to enable me to make a request for unanimous consent to consider the bill providing for the importation of foreign milk, with the understanding that I shall not press it if it leads to debate? It is a measure of importance, as the Senator from Oregon recognizes.

Mr. ROBINSON of Arkansas. What is the calendar number of the bill?

Mr. LENROOT. It is Order of Business 1245.

Mr. McNARY. Does the Senator desire me to request that the Agricultural Department appropriation bill shall be temporarily laid aside?

Mr. LENROOT. Yes; but I shall not press it if there is objection. It is the bill known as the milk importation bill.

Mr. ROBINSON of Arkansas. Before unanimous consent is given for the consideration of the bill I suggest that the Senate be given an explanation of the provisions of the bill, so that we may know whether we care to take it up out of its order.

Mr. McNARY. The secretary of the Senator from Massachusetts [Mr. WALSH] notifies me that that Senator wants to be present when the milk bill is called up. For that reason I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Lenroot	Sackett
Bayard	Frazier	McKellar	Sheppard
Bingham	George	McMaster	Shipstead
Blease	Gerry	McNary	Shortridge
Borah	Gillette	Mayfield	Smoot
Broussard	Glass	Metcalf	Steck
Bruce	Goff	Neely	Stephens
Cameron	Gooding	Norbeck	Stewart
Capper	Gould	Norris	Swanson
Caraway	Hale	Nye	Tyson
Copeland	Harris	Oddie	Wadsworth
Couzens	Hawes	Overman	Walsh, Mass.
Curtis	Heflin	Pepper	Walsh, Mont.
Dale	Howell	Philpps	Warren
Deneen	Johnson	Pine	Watson
Dill	Jones, N. Mex.	Pittman	Wheeler
Edge	Jones, Wash.	Ransdell	Willis
Edwards	Kendrick	Reed, Pa.	
Ernst	Keyes	Robinson, Ark.	
Ferris	King	Robinson, Ind.	

Mr. NORRIS. I desire to announce that the junior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness.

The PRESIDING OFFICER. Seventy-seven Senators having answered to their names a quorum is present. The Senator from Wisconsin [Mr. LENROOT] has asked unanimous consent for the immediate consideration of House bill 11768.

Mr. ROBINSON of Arkansas. Before consent for the consideration of the bill is granted I should like to have the Senator from Wisconsin make a statement explaining the provisions and purposes of the bill.

Mr. LENROOT. If the Senator from Oregon will yield for that purpose, I shall be glad to do so.

Mr. McNARY. I yield to the Senator from Wisconsin for that purpose.

Mr. LENROOT. Mr. President, the bill for which I have asked consideration passed the House of Representatives at the last session. A similar bill was introduced by me early in the last session and extended hearings were then held by the Senate committee. The purpose of the bill is to regulate the importation of milk and cream from foreign countries, applying to such milk and cream practically the same health standards

that are now required by the State Board of Health of New York.

More and more, Mr. President, the large cities, very properly, in the interest of public health, and many States also, have required most rigid sanitary conditions in the production of milk; they have required the milk to conform to certain tests as to bacteria content, temperature, scoring, and tuberculosis. At present, from an economic standpoint as well as from a health standpoint, the dairy farmers of the United States are practically compelled to adopt those sanitary regulations, whereas none are required as to milk coming from Canada.

Mr. ROBINSON of Arkansas. Are there no regulations or other restrictions in force as to milk imported from foreign countries?

Mr. LENROOT. There are now none whatever. We have regulations or laws relating to diseased cattle, and matters of that kind, but we have none as to milk.

Mr. ROBINSON of Arkansas. Are the regulations which this bill contemplate the same as those which relate to domestic milk?

Mr. LENROOT. Of course, each State has its own regulations, but this bill adopts in general the standards required by the State Board of Health of the State of New York. The Senator from New York [Mr. COPELAND], who, as the Senator from Arkansas knows, was at one time the commissioner of public health of the city of New York, has been very active and instrumental in shaping up this bill, and I am sure he will be glad to give to the Senator from Arkansas assurance of the correctness of the statement I have just made.

Mr. ROBINSON of Arkansas. I shall be very glad to have a statement from the Senator from New York as to whether he has investigated the subject matter of the bill and whether or not it meets his approval.

Mr. COPELAND. Mr. President, if the Senator from Oregon [Mr. McNARY] will permit, I will state that this bill requires that milk now shipped into New York State and various New England States bordering on Canada shall conform to the high standards required for health purposes in the State of New York. The milk covered by the provisions of the bill is not a large quantity, being about 60,000 quarts a day, whereas the consumption in New York City is 3,000,000 quarts a day. However, it breaks down the health standards as to milk in New York to have low standard milk brought in, milk of high bacteria count, which is liable to lead to diarrhea and other diseases. So, in order that the cities and communities in New York and New England, receiving Canadian milk, may have the same protection as regards milk from Canada as they have for milk from our own States, we are asking for the passage of this bill, which, I think, is a very proper bill.

Mr. ROBINSON of Arkansas. The statements made by the Senator from Wisconsin and the Senator from New York convince me that the provisions of the bill are fair, and I have no objection to its consideration.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. KING. Mr. President, I am not going to object, but I wish to ask the Senator from New York a question. Will the effect of the bill, if it shall become a law, be to increase the price of the domestic product? Is it not, in other words, a bill in the interest of the milk monopoly in the United States?

Mr. COPELAND. No; as the Senator will realize, the amount of milk imported, compared with the total consumption from our own farms, is so infinitesimal that it has no relation whatever to the question of the price.

Mr. KING. The Senator does not mean to imply that the bill relates only to New York?

Mr. COPELAND. Oh, no.

Mr. KING. It is national in scope?

Mr. COPELAND. It is.

Mr. KING. And is offered as a sort of bulwark against the importation of milk from other countries?

Mr. COPELAND. No; on the contrary, the Health Commissioner of New York City is extremely anxious that the imported milk shall come in, but in doing so it must conform to the hygienic standards to which our own milk conforms. The bill can have no possible effect upon the price of milk.

Mr. KING. Can not the State itself handle the matter?

Mr. COPELAND. Yes; or the city of New York could handle the matter; that is very true; but the city wants this bill. The city of New York gets milk from several States as well as from the Dominion of Canada. Good milk can not be conveyed enormous distances because it sours quickly. Cream can come and does come into New York from as far as Minnesota, but there must be in the vicinity of New York as large a "milk shed," as we call it, as possible; and we are

anxious to have milk from Canada, but we do not want the milk from Canada to come in as contaminated or infected milk while we are seeking all the time to raise the standard, in order that the death rate may be kept down.

Mr. WILLIS. Mr. President, I merely wish to say, in further reply to the Senator from Utah [Mr. KING] that I think the answers given by the Senator from New York are entirely correct. It is a matter in which not only New York is interested but all the great milk consuming populations anywhere near the border. The desire for the passage of this bill comes not particularly from the dairy interests but from the health authorities of different communities that are involved. I think it is a very wise measure and ought to be passed.

Mr. WALSH of Massachusetts. Mr. President, I object to the present consideration of the bill.

The PRESIDING OFFICER. Objection is made. The consideration of the Agricultural Department appropriation bill will be resumed.

#### AGRICULTURAL DEPARTMENT APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15008) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1928, and for other purposes.

The Chief Clerk proceeded to read the bill, the last item read being on page 2, beginning with line 1, under the heading "Office of the Secretary—Salaries," as follows:

#### OFFICE OF THE SECRETARY

##### SALARIES

For Secretary of Agriculture, \$15,000; Assistant Secretary and other personal services in the District of Columbia, including \$7,294 for extra labor and emergency employments, in accordance with the classification act of 1923, and for personal services in the field, \$642,000.

Mr. KING. Mr. President, I should like to direct attention to the item which has just been read, as follows:

\* \* \* Including \$7,294 for extra labor and emergency employments, in accordance with the classification act of 1923, and for personal services in the field, \$642,000.

My recollection is that a number of years ago an item similar to this, although perhaps not so large in amount, was carried on one or more bills, and an explanation was then made, as I now recall, to the effect that the appropriation was only temporary in character and would soon or within a reasonable time not be required. I inquire whether or not this is for the purpose of giving employment to a large number of people not under the classified service, and why this appropriation should be continued?

Mr. McNARY. This appropriation, let me respond to the able Senator from Utah, has been carried on all agricultural appropriation bills since my connection with them during the last five years. There are some experts who are not carried under the classification act; there is some emergency work which is necessary to do—for instance, in the Senator's own State, when there is an outbreak of forest fires. There are also emergencies arising from the white-pine blister rust, curly leaf affecting beets, an unusual number of leaf hoppers destroying vegetation, and the alfalfa weevil. So it becomes essential at times that the department may have a certain liquidity in its resources and personnel so that it may place in the field those who can perform the work in order to save a crop or a community from disaster. It is for that reason that this item has been carried, and the question has never arisen heretofore in the House or on the floor of the Senate since my connection with the bill. The item makes provision for meeting great emergencies and is most applicable to the Senator's own State, many of the other Western States, and many of the Southern and Eastern States.

A few years ago we had an outcropping of the Japanese beetle in the East; we have had the cattle tick in the South; we have had emergency work in connection with the ravages of the boll weevil in the cotton States of the South; we have had to combat the white-pine blister rust in New England States; we have had to undertake the eradication of tuberculosis and the destruction of barberry bushes in order to prevent the spread of rust in the wheat section; we have had the pine beetle in the West, the alfalfa weevil, the leaf hopper, and so on; in fact, there are so many things I can not now enumerate them all, but I have attempted to point out the reasons, and specific reasons, why it is necessary to carry this appropriation in this manner and fashion and in this language.

Mr. KING. Mr. President, I am very glad to have the explanation, and there would seem to be justification for what might be called a contingent fund to meet the conditions to which the Senator has referred; but my recollection is that

in 1918 or 1919 attention was challenged to this appropriation and, as I recall, it was explained that it was temporary and, with the large appropriations which were made for the various purposes which the Senator has enumerated, the day would soon come when there would be no necessity for carrying this large general appropriation.

I should like to ask the Senator, however, what portion of this sum is used for so-called scientific help and what is the maximum salary paid to these so-called scientific employees.

Mr. McNARY. Six thousand dollars is the maximum salary paid. Some of the work is research, some is scientific, and some is demonstration work in the field. The proportions allocated to these three activities vary with the years and with the seasons. I could not tell the Senator; it would require the power of prophecy for me to attempt to allocate these funds for the fiscal year 1928.

Mr. ODDIE. Mr. President, may I ask the Senator from Oregon a question regarding this item? Does it include investigations for the various other pine-beetle pests and the spruce bud worm, for instance?

Mr. McNARY. This particular item might not meet the emergency situation; but there are items in the bill that cover the matters to which the Senator now alludes, carried under the distinct specifications.

Mr. ODDIE. Mr. President, I understand from authority of experts in the department that over \$100,000,000 worth of standing timber is destroyed every year by these various forest insect pests. This destruction is increasing each year, and I consider the amount carried in this bill little enough when it contemplates the expenditure of money for salaries for scientific investigations of this horrible curse that is afflicting this country. We ought to have more money than is appropriated in this bill for this highly important work.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The first amendment of the Committee on Appropriations was, under the subhead, "Office of Experiment Stations—Salaries and general expenses," on page 8, line 12, after the word "expenses," to strike out "\$234,820" and insert "\$237,640," and in line 15, after the name "United States," to strike out "\$22,180" and insert "\$25,000," so as to read:

To enable the Secretary of Agriculture to establish and maintain agricultural experiment stations in Alaska, Hawaii, Porto Rico, the island of Guam, and the Virgin Islands of the United States, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, and all other necessary expenses, \$237,640, as follows: Alaska, \$76,240; Hawaii, \$54,940; Porto Rico, \$56,460; Guam, \$25,000; and the Virgin Islands of the United States, \$25,000; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, Porto Rico, the island of Guam, and the Virgin Islands of the United States, and the amount obtained from the sale thereof shall be covered into the Treasury of the United States as miscellaneous receipts.

The amendment was agreed to.

The next amendment was, on page 9, at the end of line 1, to change the total appropriation for the Office of Experiment Stations from \$3,719,386 to \$3,722,206.

Mr. KING. Mr. President, may I inquire of the Senator, for information, whether the item just read comprises the appropriations made for the various agricultural schools throughout the Union or for the experiment stations which are a part of some of the agricultural colleges?

Mr. McNARY. I will state to the Senator from Utah that it carries appropriations under the Lever Act, the Adams Act, and the Purnell Act, which provides for experimental work in the various agricultural schools throughout the States of the Union. That is the aggregate sum of those three bills, and that is the aggregate help that the Government is giving for purposes of this character.

Mr. KING. As I understand, the bills to which the Senator has just referred carry a certain amount each year.

Mr. McNARY. Yes.

Mr. KING. It is a continuing appropriation?

Mr. McNARY. Yes.

Mr. KING. And this does not augment the general appropriation authorized heretofore by general act of Congress?

Mr. McNARY. Not at all. The first of these bills was the Adams Act, approved March 16, 1906. The Smith-Lever Act was approved May 8, 1914. At that time it carried an appropriation of \$480,000, which was subsequently increased to \$720,000. On February 24, 1925, what is known as the Purnell Act became a law. It carried an additional sum. All of these sums are included in this amount and have been heretofore authorized by legislation enacted by the Congress.



The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Extension Service—Salaries and general expenses," on page 11, line 2, to strike out "\$103,300" and insert "\$108,045," so as to make the paragraph read:

To enable the Secretary of Agriculture to make suitable agricultural exhibits at State, interstate, and international fairs held within the United States; for the purchase of necessary supplies and equipment; for telephone and telegraph service, freight and express charges; for travel, and for every other expense necessary, including the employment of assistance in or outside the city of Washington, \$108,045.

The amendment was agreed to.

The next amendment was, on page 11, line 3, after the word "Service," to strike out "\$2,877,480" and insert "\$2,882,225," and in line 4, after the word "exceed," to strike out "\$400,000" and insert "\$402,000," so as to make the paragraph read:

Total, Extension Service, \$2,882,225, of which amount not to exceed \$402,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 11, line 7, to change the grand total appropriation for the office of the Secretary of Agriculture from \$8,867,412 to \$8,874,977.

The amendment was agreed to.

The next amendment was, under the heading of "Weather Bureau, salaries and general expenses," on page 14, line 2, to strike out "\$1,922,000" and insert "\$1,928,544," so as to read:

For necessary expenses outside of the city of Washington incident to collecting and disseminating meteorological, climatological, and marine information, and for investigations in meteorology, climatology, seismology, evaporation, and aerology, \$1,928,544.

The amendment was agreed to.

The next amendment was, on page 14, line 10, to change the total appropriation for the Weather Bureau from \$2,641,000 to \$2,647,544.

The amendment was agreed to.

Mr. COPELAND. Mr. President, may I ask the Senator in charge of the bill about the item on line 7, page 17, the payment of indemnities for the destruction of tubercular cattle? Is this amount more or less than last year?

Mr. McNARY. It is more than \$1,250,000 over the amount carried in the current appropriation. It has now reached a total of nearly \$6,000,000, which was the aim and goal of the distinguished Senator from New York during the hearing last year.

Mr. COPELAND. I thank the Senator, because I consider it a very important work.

Mr. KING. Mr. President, before that item is passed may I have the attention of the learned Senator? Undoubtedly his committee has received some complaints—I know I have received many—relative to the administration of the provisions of the existing law concerning the destruction of alleged tubercular cattle. The Senator will recall that when the Agricultural bill was under consideration a year ago the Senator from Virginia [Mr. GLASS] indulged in a very caustic criticism of the Department of Agriculture for the manner in which it administered this provision of the law, contending, as I recall, that most incompetent men had been employed, and that many cattle had been killed, alleged to be tubercular, which were not, thus involving the United States in a good deal of expense. I should like to ask the Senator if the committee has made an investigation with a view to determining whether these numerous charges are justified and whether the department is acting with prudence and with economy, and whether efficient men are employed in this work.

I will say that when I was in California a year ago, and more recently, many complaints were made that animals worth thousands of dollars had been killed that were not affected in any way; and quite serious charges were preferred against the administration of the act because of the alleged prejudice and gross incompetency of those representing the Agricultural Department.

Mr. McNARY. Mr. President, the Senator from Utah is better advised than the chairman of the subcommittee. I can assure the Senator, in connection with the complaint made last year by the distinguished Senator from Virginia about the one

incompetent, that that one incompetent is not now in the service. Consequently I think I may say that the service is 100 per cent good. I have never received a letter of criticism, local criticism, or a suggestion in this connection from anyone save the distinguished Senator from Utah. Perhaps he has given the matter personal investigation; but I do believe, upon the basis of all the hearings that have been had upon this important item, that it is being administered efficiently and conformably to the statute, and in a way that has brought joy and pleasure to the cattle industry of the country.

Mr. BRUCE. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Maryland?

Mr. McNARY. I do.

Mr. BRUCE. I will say to the Senator, however, that at the last session of Congress I obtained damages for the loss of a very considerable number of cattle killed by confessed incompetency on the part of agents of the Agricultural Department. The bill was actually passed by Congress, and the money paid to the claimants.

Mr. McNARY. I suspect that may be true. I have no doubt of it; but the head of the Bureau of Animal Industry, Doctor Mohler, in whom I have a world of confidence, testified—and there was never any evidence to the contrary—that in from 96 to 98 per cent of the cases the department was correct in its analyses. Of course, errors creep in once in a while, as all of us are subject to human imperfections.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading of "Bureau of Animal Industry—Salaries and general expenses," on page 19, line 17, after the word "expenses," to strike out "\$429,170" and insert "\$434,170," and in line 18, after the word "appropriated," to strike out "\$72,950" and insert "\$77,950," so as to read:

For all necessary expenses for investigations and experiments in animal husbandry; for experiments in animal feeding and breeding, including cooperation with the State agricultural experiment stations, including repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all other necessary expenses, \$434,170: *Provided*, That of the sum thus appropriated \$77,950 may be used for experiments in poultry feeding and breeding.

The amendment was agreed to.

The next amendment was, on page 21, after line 2, to insert: "In all, salaries and general expenses, \$8,602,860."

The amendment was agreed to.

The next amendment was, on page 21, at the end of line 13, to change the total appropriation for the Bureau of Animal Industry from \$10,658,970 to \$10,663,970.

The amendment was agreed to.

The next amendment was, under the heading of "Bureau of Dairy Industry—Salaries and general expenses," on page 21, line 23, after the word "buildings," to insert "and not exceeding \$7,600 for construction of buildings," so as to read:

For carrying out the provisions of the act approved May 29, 1924, establishing a Bureau of Dairying, for salaries in the city of Washington and elsewhere, and for all other necessary expenses, including repairs and additions to buildings and not exceeding \$7,600 for construction of buildings absolutely necessary to carry on the experiments herein authorized, as follows:

The amendment was agreed to.

The next amendment was, on page 22, at the end of line 7, to strike out "\$420,494" and insert "\$442,194," so as to read:

For conducting investigations, experiments, and demonstrations in dairy industry, cooperative investigations of the dairy industry in the various States, and inspection of renovated butter factories, \$442,194.

The amendment was agreed to.

The next amendment was, on page 22, after line 7, to insert:

In all, salaries and general expenses, \$504,494.

The amendment was agreed to.

The next amendment was, on page 22, line 16, after the word "Industry," to strike out "\$495,094" and insert "\$516,794," and in line 17, after the word "exceed," to strike out "\$256,000" and insert "\$264,000," so as to read:

Total, Bureau of Dairy Industry, \$516,794, of which amount not to exceed \$264,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Plant Industries—Salaries and general expenses," on page 24, line 18, after the word "discovered," to strike out "\$131,160" and insert "\$164,255," so as to read:

For the investigation of diseases of forest and ornamental trees and shrubs, including a study of the nature and habits of the parasitic fungi causing the chestnut-tree bark disease, the white-pine blister rust, and other epidemic tree diseases, for the purpose of discovering new methods of control and applying methods of eradication or control already discovered, \$164,255, of which sum not more than \$10,000 may be expended for the employment of pathologists in connection with forest experiment stations.

The amendment was agreed to.

The next amendment was, on page 29, at the end of line 7, to strike out "\$192,260" and insert "\$197,660," so as to read:

For the investigation and improvement of fruits, and the methods of fruit growing, harvesting, handling, and studies of the physiological and related changes of fruits and vegetables during the processes of marketing and while in commercial storage, \$197,660.

The amendment was agreed to.

The next amendment was, on page 30, line 24, after the word "Industry," to strike out "\$3,931,585" and insert "\$3,969,680," and at the end of line 25, to strike out "\$1,393,800" and insert "\$1,397,800," so as to read:

Total, Bureau of Plant Industry, \$3,969,680, of which amount not to exceed \$1,397,800 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading of "Forest Service—Salaries and general expenses," on page 36, at the end of line 21, to strike out "\$490,264" and insert "\$530,264," so as to read:

For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing, and the testing of such woods as may require test to ascertain if they be suitable for making paper, for investigations and tests within the United States of foreign woods of commercial importance to industries in the United States, and for other investigations and experiments to promote economy in the use of forest and fiber products, and for commercial demonstrations of improved methods or processes, in cooperation with individuals and companies, \$530,264.

The amendment was agreed to.

The next amendment was, on page 37, line 15, after the word "land," to strike out "\$332,000" and insert "\$342,000," so as to read:

For silvicultural, dendrological, and other experiments and investigations, independently or in cooperation with other branches of the Federal Government, with States, and with individuals, to determine the best methods for the conservative management of forest and forest land, \$342,000, of which amount not to exceed \$60,000 shall be immediately available for the establishment of forest experiment stations as provided in the act entitled "An act to authorize the establishment and maintenance of a forest experiment station in the Ohio and Mississippi Valleys," approved July 3, 1926, and as provided in the act entitled "An act for the establishment and maintenance of a forest experiment station in Pennsylvania and the neighboring States," approved July 3, 1926:

The amendment was agreed to.

The next amendment was, on page 39, line 7, to change the total appropriations for the Forest Service from \$8,590,834 to \$8,640,834.

The amendment was agreed to.

The next amendment was, on page 42, line 20, after the word "exceed," to strike out "\$879,294" and to insert "\$887,294," so as to read:

Total, Bureau of Chemistry and Soils, \$1,115,005, of which amount not to exceed \$887,294 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading of "Bureau of Entomology—Salaries and general expenses," on page 43, at the end of line 18, to increase the appropriation for investigations of insects affecting deciduous fruits, orchards, vineyards, and nuts, from \$124,980 to \$130,980.

The amendment was agreed to.

The next amendment was, on page 44, at the end of line 11, to strike out "\$186,480" and insert "\$196,480," so as to read:

For investigations of insects affecting truck crops, including insects and wireworms affecting the potato, sugar beet, cabbage, onion, tomato, beans, peas, etc., and insects affecting stored products, \$196,480.

The amendment was agreed to.

The next amendment was, on page 44, after line 22, to insert:

In all, salaries and general expenses, \$1,225,645.

The amendment was agreed to.

The next amendment was, on page 47, line 10, to change the total appropriation for the Bureau of Entomology from \$3,062,265 to \$3,078,265.

The amendment was agreed to.

The next amendment was, under the heading of "Bureau of Biological Survey—Salaries and general expenses," on page 48, at the end of line 7, to strike out "\$54,000" and insert "\$72,000," so as to read:

For the maintenance of the Montana National Bison Range and other reservations and for the maintenance of game introduced into suitable localities on public lands, under supervision of the Biological Survey, including construction of fencing, wardens' quarters, shelters for animals, landings, roads, trails, bridges, ditches, telephone lines, rockwork, bulkheads, and other improvements necessary for the economical administration and protection of the reservations, and for the enforcement of section 84 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," \$72,000.

The amendment was agreed to.

The next amendment was, on page 49, after line 20, to insert:

In all, salaries and general expenses, \$1,005,020.

The amendment was agreed to.

The next amendment was, on page 50, at the end of line 17, to change the total appropriation for the Bureau of Biological Survey from \$1,017,020 to \$1,035,020.

The amendment was agreed to.

The next amendment was, under the heading of "Bureau of Agricultural Economics—Salaries and general expenses," on page 54, line 16, to strike out "\$571,780" and insert "\$596,780," so as to read:

For acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing, handling, utilization, grading, transportation, and distributing of farm and non-manufactured food products and the purchasing of farm supplies, including the demonstration and promotion of the use of uniform standards of classification of American farm products throughout the world, independently and in cooperation with other branches of the department, State agencies, purchasing and consuming organizations, and persons engaged in the marketing, handling, utilization, grading, transportation, and distributing of farm and food products, and for investigation of the economic costs of retail marketing of meat and meat products, \$596,780.

Mr. KING. Mr. President, may I inquire of the Senator from Oregon what useful information the Agricultural Department is supposed to diffuse among the people of the United States with the appropriation of more than half a million dollars carried in the item just read?

Mr. McNARY. The amendment just read provides an increase of \$25,000, to be applied to determining new uses for which cotton and cotton products might be put. Is that the item to which reference is made?

Mr. KING. I caught the words as they were read by the clerk "for the diffusion of useful information." The provision is found on page 54, commencing with line 3:

For acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing, handling, utilization, grading, transportation—

And so forth. I was just wondering in what form the information was furnished and how it was distributed. Five hundred and ninety-six thousand seven hundred and eighty dollars is proposed to be appropriated for that purpose.

Mr. McNARY. The reports of the research work, through laboratory investigations, are sent out through the mails, in circulars and pamphlets, to the people of the country generally making inquiries, and are also distributed through the medium of Members of Congress. The money appropriated by the Federal Government in aid of experimental stations connected with the State colleges also results in the dissemination of useful information, as is the case with broadcasting by way of radio. But this particular item was increased \$25,000 by the Senate committee at the suggestion of the senior Senator from Georgia [Mr. HARRIS], to provide for the discovery, if possible, of new uses to which cotton might be put. The cotton industry is in a deplorable shape, as the Senator from Utah knows.

Mr. MAYFIELD. Mr. President, I have an amendment, which I shall offer when the committee amendments shall have been concluded, to amend the bill after the word "world," on



line 9, amplifying the paragraph with reference to new uses of cotton.

Mr. McNARY. Continuing, Mr. President, as a result of the very able statement made by the Senator from Georgia and the statements of other Senators, and from the study the committee made of the cotton depression, and the great production of cotton over and above domestic needs, it was thought by the committee that new uses might be found whereby the surplus of this year and the years to follow may be taken up and absorbed. That was thought to be a highly important research work, and the committee was so impressed by the statements made by the able Senators that it added \$25,000 to the House appropriation.

Mr. McKELLAR. Mr. President, I hope the Senator from Utah will not oppose this amendment, because there is a great depression in the cotton market, and the amendment ought to be adopted. The present condition of the cotton market is such that new uses for cotton ought to be found, and it seems to me this is the best way to go about discovering new uses. It was the unanimous opinion of the committee that this should be done, our northern friends taking the same view taken by the southern Senators.

Mr. KING. Mr. President, I should not have the temerity or audacity to oppose any appropriation brought to the floor of the Senate by the Committee on Agriculture, no matter how much it might be increased over the appropriation which passed the House. I know how foolish it is to oppose any appropriation on any subject, at any time, either in the House or in the Senate. Our function here is to levy taxes, and then spend the money accruing from the collection of taxes as rapidly as we can, and if there should be any surplus in the Treasury, to get rid of it at the earliest possible moment.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. KING. I yield.

Mr. OVERMAN. If the Senator will examine the report of the committee, he will find that Congress, instead of the President, has been very economical, in that we have decreased the appropriations recommended by the Budget by \$4,000,000.

Mr. KING. I wish to observe that notwithstanding the disposition of Congress to be prodigal in its expenditures it really sets an example of economy measured by the congenial exuberance of those who belong to the executive departments of the Government. We talk a great deal about the extravagance of Congress, and it is extravagance. We appropriate millions and hundreds of millions of dollars in my opinion unwisely and improvidently. But conceding all that, I think a calm and dispassionate review of appropriation bills during the past 25 or 30 years, and I shall not go back further than that, will reveal the fact that the House of Representatives and the Senate have appropriated less than has been recommended and too often demanded by the executive departments of the Government.

There is no limit to the rapacity, if I may use a rather harsh term—perhaps I should change it to the voracity—of executive departments and instrumentalities. As soon as a department gets its feet solidly upon the ground and is entrenched by statute, then, like the development of cells, one cell giving birth to another and that to another ad infinitum, the department gives birth to bureaus and subbureaus and agencies and other departmental organizations, each one of which must have a head, each one of which must have clerks and all the paraphernalia attending a big Federal executive organization.

So some of these little organizations that started out with \$100,000 or \$200,000 appropriations, for instance, like the Bureau of Mines or the Biological Bureau or the Bureau of Soils, and many of the others that could be mentioned, will soon become so powerful that they will want millions of dollars annually, and get what they want. Able Senators like the Senator from Nevada [Mr. ODDIE], who just addressed the Senate, say we ought to give them more. Instead of repressing them, as we should, some Senators—and I do not say this by way of criticism—want to give more than is provided by the bills reported by the committees.

The pending bill is an exemplification of the evils of the paternalistic and bureaucratic system. I recall that when I was a Member of the House, a number of years ago, the chairman of the Committee on Agriculture was the father of the able Senator from New York [Mr. WADSWORTH]. Appropriations then given to the Department of Agriculture were between \$3,000,000 and \$4,000,000. During the war those appropriations were increased to approximately \$50,000,000. It was declared then by the proponents of such measures that as soon as peace came we would get back to a rational basis.

We all remember the vigorous assault which was made upon some of the Agricultural appropriation bills by the late Senator from Minnesota, Knute Nelson, whose death we all so much deplore. He took up many of the items and showed their interference with private activities, showed that a Federal bureau had become a sort of godfather, and a fairy godfather it was, to men and women in all parts of the United States; that men and women, particularly women, were employed to go out to teach the housewives how to use buttermilk, as if the farmers and dairymen of the United States did not know what buttermilk was or the uses to which it could be put.

The pending bill reveals a parental care that would put to shame the soviet or Bolshevik parentalism of Russia. We soon are to have a Federal official in a bureau or agency now created—and if not we will create one—for every activity of every individual. He will tell us when to wash our faces, how to clean our teeth, how to comb our hair, what kind of clothes we should wear, how we shall determine the temperature. For every conceivable and inconceivable mutation of life we will have the beneficial and blessed care of some functionary of the Government. But let the merry dance go on. We are on the highway to bureaucracy. Let bureaucracy be crowned king and make the appropriations as much as may be desired, and then regret that they have not demanded more.

Mr. BORAH obtained the floor.

Mr. SMOOT. Will the Senator from Idaho yield to me for a moment?

Mr. BORAH. I yield.

Mr. SMOOT. Mr. President, I have heard it stated so many times on the floor of the Senate that an appropriation bill carries a less amount of money than the Budget has estimated for, that I feel I should make a statement. Let us take the bill now before the Senate. It demonstrates that the point is not well taken. In the item for fighting fires in the Western States, we cut the estimate down materially. Why? Because it was stated that if the fires occurred and the expense was incurred they could come here and get a deficiency appropriation.

That happens with reference to most of the appropriation bills. Senators do not figure to the time when deficiency appropriations will have to be made, and thus see whether the total appropriations, including both the deficiency and the regular appropriations, amount to less than was estimated for by the Budget. They take each individual bill as it comes in and never take into consideration the amount of appropriations covered in the deficiency bills. When the appropriations made in the deficiency bills are added to those made in the regular appropriation bills, then the claim that Congress is very saving in appropriations falls to the ground.

Mr. OVERMAN. The deficiency bills show the estimates every time.

Mr. SMOOT. I know they show the estimates, because of the fact that when they were estimated for in the first place, they were not appropriated for in full. I have not any doubt but what fighting forest fires will take more money by \$100,000 than is carried in the present bill. We deliberately cut the item down because we said if there should be such a thing as no forest fires to require the amount of money we may have appropriated, then we will not spend that money and it will go back into the Treasury of the United States. Every year there has been more money spent for fighting forest fires than we provided for, and every year there has been a deficiency appropriation for the purpose.

I thank the Senator from Idaho for yielding to me.

Mr. McNARY. Mr. President, will the Senator from Idaho yield to me a moment?

Mr. BORAH. Certainly.

Mr. McNARY. The remarks of the Senator from Utah amuse me greatly. He may be ashamed of the Congress which he serves, but I am not. I stand here and repeat that the amount of money carried in the Agricultural Department appropriation bill is under the estimate of the Director of the Budget. I am prepared to say further that every such bill, since I have been in charge of them in the last five years, has carried less than the estimate of the Budget. I am prepared to say further that as to every estimate of the Bureau of the Budget included in the 10 major appropriation bills each year Congress has appropriated a total less than the director has estimated for. Why be ashamed of Congress?

Mr. SMOOT. I am not ashamed of it at all. I did not make any such statement as the Senator suggests.

Mr. McNARY. The Senator is apologizing for the Congress and defending the Director of the Budget.

Mr. SMOOT. No; I am trying to state the facts as they are.

Mr. BORAH. Mr. President, I think I had better renew my motion that the Senate proceed to the consideration of executive business.

Mr. McNARY. Mr. President, in the most good-natured way, I hope the Senator from Idaho will withhold his motion. I think we can complete the consideration of the bill in 30 minutes. The eloquent junior Senator from Utah [Mr. KING] has subsided and I think will be quiet the rest of the day.

Mr. McKELLAR. There are just a few other items, and I hope the Senator from Idaho will let us proceed with the bill.

Mr. BORAH. Very well; we will say until half-past 3.

Mr. McNARY. I thank the Senator.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The next amendment of the Committee on Appropriations was, on page 57, after line 8, to insert:

In all, salaries and general expenses, \$3,682,491.

The amendment was agreed to.

The next amendment was, under the heading of "Administration of the United States warehouse act," on page 58, at the end of line 18, to strike out "\$231,820" and insert "\$241,820," so as to make the paragraph read:

To enable the Secretary of Agriculture to carry into effect the provisions of the United States warehouse act, including the payment of such rent outside of the District of Columbia and the employment of such persons and means as the Secretary of Agriculture may deem necessary, in the city of Washington and elsewhere, \$241,820.

The amendment was agreed to.

The next amendment was, on page 60, at the end of line 24, to strike out "\$4,981,251" and insert "\$5,016,251" and at the end of line 25, to strike out "\$1,864,000" and insert "\$1,881,600," so as to read:

Total, Bureau of Agriculture Economics, \$5,016,251, of which amount not to exceed \$1,881,600 may be expended for personal services in the District of Columbia.

Mr. KING. Notwithstanding the comment of the Senator from Oregon I want to make an inquiry respecting the Center Market in the District of Columbia. I make the inquiry because, as a member of the Committee on the District of Columbia, many complaints have been brought to my attention concerning the administration of the department. A great many citizens feel that it should be turned over to the District government for administration.

I ask the Senator whether his committee have given attention to the subject. I do not want to engage in any debate. I merely want to inquire whether they have considered the propriety of transferring to the District the administration of this market. I think it should be done. I believe the District Commissioners, knowing the situation in the District as they do, are better equipped to administer the market and handle it than a big agency of the Government. If the committee has considered it I should be glad to know it.

Mr. McNARY. I will state that the matter has never been brought to the attention of the committee; consequently there has been no consideration given the subject.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 63, after line 2, to insert:

"In all, salaries and general expenses, \$517,910."

The amendment was agreed to.

The next amendment was, under the subhead "Experiments in dairying and livestock production in western United States," on page 71, line 19, to strike out "\$41,610" and insert "\$45,610," so as to make the paragraph read:

To enable the Secretary of Agriculture to conduct investigations and experiments in problems connected with the establishment of dairying and meat-production enterprises on the semiarid and irrigated lands of the western United States, including the purchase of livestock and the employment of necessary persons and means in the city of Washington and elsewhere, \$45,610.

The amendment was agreed to.

The next amendment was, under the subhead "Passenger-carrying vehicles," on page 72, line 9, after the word "exceed," to strike out "\$30,000" and insert "\$45,000," so as to read:

That not to exceed \$150,000 of the lump-sum appropriations herein made for the Department of Agriculture shall be available for the purchase, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of the field work of the Department of Agriculture outside the District of Columbia: *Provided*, That not to exceed \$45,000 of this amount shall

be expended for the purchase of such vehicles, and that such vehicles shall be used only for official service outside the District of Columbia, but this shall not prevent the continued use for official service of motor trucks in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 72, line 18, after the word "exceed," to strike out "\$25,000" and insert "\$40,000," so as to read:

*Provided further*, That the Secretary of Agriculture is authorized to expend, from the funds provided for carrying out the provisions of the Federal highway act of November 9, 1921 (42 Stat. L. p. 212), not to exceed \$40,000 for the purchase of motor-propelled passenger-carrying vehicles to replace such vehicles heretofore acquired and used by the Secretary of Agriculture in the construction and maintenance of national forest roads or other roads constructed under his direct supervision which are or may become unserviceable, including the replacement of not to exceed two such vehicles for use in the administrative work of the Bureau of Public Roads in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Special items, forest roads and trails," on page 75, line 24, after the words "composed of," to strike out "\$6,225,000, the remainder," and insert "\$4,825,000, part," and on page 76, line 1, after the word "and," to strike out "\$275,000" and insert "\$1,675,000," so as to read:

For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, including not to exceed \$47,000 for departmental personal services in the District of Columbia, \$6,500,000, which sum is composed of \$4,825,000, part of the sum of \$7,500,000 authorized to be appropriated for the fiscal year 1927 by the act approved February 12, 1925, and \$1,675,000, part of the amount authorized to be appropriated for the fiscal year 1928 by the act approved June 22, 1926.

The amendment was agreed to.

The next amendment was, on page 77, at the end of line 20, to change the total appropriation for the Department of Agriculture from \$128,379,385 to \$128,581,289.

The amendment was agreed to.

The VICE PRESIDENT. This concludes the committee amendments printed in the bill.

Mr. McNARY. In behalf of the committee I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 21, line 12, after the numerals "\$2,061,110" insert the following:

*Provided*, That the Department of Agriculture may upon request of any branch of the Federal Government perform inspections of food and other products and receive reimbursement of the cost of such inspections, including salaries and expenses, out of appropriation available therefor.

The amendment was agreed to.

Mr. McNARY. I offer in behalf of the committee the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 41, line 6, after the word "mills" insert the following:

, independently or in cooperation with individuals, associations, or corporations.

The VICE PRESIDENT. Without objection the amendment is agreed to.

Mr. McNARY. I propose the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 33, in line 22, strike out the numerals "\$754,451" and insert in lieu thereof the following:

\$757,451: *Provided*, That not to exceed \$3,000 of the sum appropriated in this paragraph shall be expended for the purchase and maintenance of a herd of long-horned or Spanish breed of cattle for the Wichita National Forest in Oklahoma, to the end that the present comparatively few living examples of this historic breed of cattle may be preserved from complete extinction.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. McNARY. I propose in behalf of the committee the amendment which I now send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 53, line 9, after the word "distributed," it is proposed to insert the following:

ENGINEERING SERVICES FOR ROADS

*Provided further*, That hereafter the Secretary of Agriculture is authorized, upon the request of any branch of the Federal Government,



to perform any engineering service in connection with the survey, construction, maintenance, or improvement of roads, payment of the salaries and expenses of employees so engaged and of the cost of transportation, repairs, and replacement of equipment and supplies of the Department of Agriculture used in such work to be made by transfer of funds in the manner provided by section 7 of the act approved May 21, 1920 (41 Stat. p. 613).

Mr. KING. Mr. President, will the Senator from Oregon make some explanation of that amendment?

Mr. McNARY. Mr. President, heretofore it has been the practice for the different departments to transfer experts from one to another in order to prevent the excessive expenses of having two or more experts or groups of experts in the various departments. Recently the Comptroller General has expressed doubt that the law permits such transfers. We are by this amendment proposing to make more liquid the use of Government experts.

To give a concrete case: Engineers now employed by the Bureau of Roads may be transferred under this provision to the Department of War, to the Department of the Navy, or to the Department of the Interior that have roads to build; so that those departments may not have to maintain expensive experts of their own but may borrow them from this department and in return simply pay for the service rendered.

Mr. KING. And the other departments will meet the expenses incurred.

Mr. McNARY. Yes, indeed.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. McNARY. Mr. President, I offer a further amendment, which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Oregon will be stated.

The CHIEF CLERK. On page 77, line 3, after the numerals "\$1,500," it is proposed to insert the following:

#### ROAD IN ARIZONA

*Provided further,* That allotments shall be made by the proper officials having responsibility of making such allotments, for the construction of a road from Maine to the Grand Canyon National Park in Arizona, when the construction of said road is approved by the State Highway Commission of Arizona.

The VICE PRESIDENT. Without objection, the amendment is agreed to. That completes the committee amendments. The bill is still before the Senate as in Committee of the Whole and is open to amendment.

Mr. MAYFIELD. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Texas will be stated.

The CHIEF CLERK. On page 54, line 9, after the word "world," it is proposed to insert:

Including scientific and technical research into American-grown cotton and its by-products and their present and potential uses with a view to discovering new and additional commercial and scientific uses for cotton and its by-products.

Mr. McNARY. Mr. President, that amendment, as I understand, does not increase the appropriation carried in the bill?

Mr. MAYFIELD. It carries no appropriation whatever. It simply amplifies and elaborates the utilization of American-grown cotton and its by-products and authorizes and directs the Secretary of Agriculture to make an investigation with a view to discovering new and additional commercial uses for cotton and its by-products.

Mr. McNARY. Mr. President, in my opinion, after a careful reading and study of the language of the bill, it is sufficiently broad now to meet the suggestions made by the able Senator from Texas. I think this is a question of tautology, if I understand the reading correctly; but if it is only for the purpose—

Mr. MAYFIELD. I beg to differ with the Senator from Oregon.

Mr. McNARY. Let me conclude, please.

If the amendment is only for the purpose of amplification and does not in any wise—

Mr. MAYFIELD. If the Senator—

Mr. McNARY. Just let me finish, please. If the amendment does not in any wise affect or influence the manner in which the appropriation shall be expended, I shall have no objection to it, because it would come within the rule.

Mr. MAYFIELD. Mr. President, if the Senator from Oregon will carefully read the language found on page 54, from line 3 to line 9, inclusive, he will observe that the language is general in its terms. The appropriation in this section to which I have offered my amendment is for the purpose of "acquiring

and diffusing among the people of the United States useful information on subjects connected with the marketing, handling, utilization, grading, transportation, and distributing of farm and nonmanufactured food products and the purchasing of farm supplies, including the demonstration and promotion of the use of uniform standards of classification of American farm products throughout the world."

The term "farm products" as used here is general.

Cotton is only one of the farm products. My amendment authorizes and directs the Department of Agriculture to make a specific investigation of this specific farm product for the purpose of discovering, if possible, new uses for this great American crop.

It is well known, Mr. President, that the South is in a distressed condition. We are receiving low prices for our cotton, prices that are under the cost of production. I am pleading for an industry that is not only in great distress but one that is almost impoverished. We want to find new uses, if possible, for cotton; and if the Department of Agriculture, by investigation and experimentation can discover new uses for this great commodity, it will have rendered a most valuable service to the greatest agricultural industry of our country. I trust that the distinguished Senator from Oregon will not object to the amendment.

Mr. JONES of Washington. Mr. President, may I suggest to the Senator from Texas that my recollection is that the increase of the amount in this amendment by the sum of \$25,000 was adopted for the very purpose of doing under the language of the bill what the Senator's amendment contemplates?

Mr. MAYFIELD. Mr. President, I understand that quite well. The increased appropriation was secured through the influence of the senior Senator from Georgia [Mr. HARRIS]. I want him to have credit for getting this additional appropriation, for he is entitled to it. My amendment, however, makes the duties of the Secretary of Agriculture specific and definite as to cotton. I certainly trust that after that explanation there will be no further objection to the amendment.

Mr. McNARY. Mr. President, I at last have discovered the intended purpose of the Senator in the language of his amendment. He is attempting to single out cotton and make it the recipient—

Mr. MAYFIELD. Of a special investigation, because it is the most distressed product of all agricultural products in the country to-day.

Mr. McNARY. It is entirely unnecessary to tell the chairman of the committee that.

Mr. MAYFIELD. I thought if I refreshed the chairman's memory as to the condition of the cotton farmers he would not have any objection to the amendment.

Mr. McNARY. We do not want to disturb the language that is carried from year to year unless it is quite necessary, nor could I admit language in violation of the rule or that would collide with the rule.

It is my opinion, I may reiterate, that the language of the bill is susceptible of doing the very thing the Senator desires done, namely, to take care of cotton. It is well understood by the Department of Agriculture that if the increase in the appropriation shall be held in the bill in conference the money will be expended for the purpose of finding new uses for cotton.

Mr. MAYFIELD. Then, may I ask the Senator what objection he could possibly have to my amendment?

Mr. McNARY. For the reason that the language that has been agreed upon and carried from year to year in legislative bills, language which has a definite meaning and which has been construed by the solicitors of the department, should not be disturbed. It is possible to have a precedent in the case of language as well as to have a precedent by reason of decisions based upon statutory provisions of law. Consequently, as the language of the bill is sufficiently broad, as it is understood and as it has been carried in bills heretofore, why disturb it? I am unwilling to see it disturbed so long as it does not conflict with some view of the Senate and it is not necessary to change it in order to carry into execution the purpose which I think is in the mind of the Department of Agriculture as it was in the mind of the Committee on Appropriations and the Committee on Agriculture and Forestry. If, however, the Senator will say that the amendment is an amplification to meet a certain situation and that, in his judgment, it does not in any way run counter to the rule, I am inclined not to oppose it and I am willing so far as I am concerned to have it go in the bill.

Mr. MAYFIELD. I am glad to hear the Senator make that statement. I hope the amendment will be adopted.

Mr. LENROOT. Mr. President, if the Senators from the cotton States desire this amendment, as a member of the committee I should certainly have no objection, but I should like to suggest to the Senator from Texas that if this amend-

ment shall be adopted and should remain in the bill the cotton-producing section will be deprived of a part of the appropriation that would otherwise go to the investigation of cotton. The language of the bill now is certainly broad enough to cover everything that is covered by this amendment; but if cotton shall be specified as a subject of special investigation and the purpose for which the investigation is to be made shall be thus determined, we will have taken cotton out of the general classification, and the only investigation that can be made of it must be found within the language relating to cotton. The amendment begins with the words—

Including scientific and technical research into American-grown cotton and its by-products, and their present potential uses—

If it stopped there, well and good, but it proceeds—  
with a view to discovering new and additional commercial and scientific uses for cotton and its by-products.

In my opinion, the department could not use a dollar of the appropriation for cotton except with a view to discovering new and additional commercial and scientific uses for it.

Mr. MAYFIELD. Mr. President, I did not hear the Senator's remarks on account of the noise in the Senate. I regret that I am compelled to ask him to repeat his statement.

Mr. LENROOT. The general rule, of course, as the Senator is well aware, is that if we specify a subject we take it out of the general class. Cotton is now included in the general language—there can not be any question about that—and the department intends to use every dollar for cotton that will be used if this amendment shall be adopted; but if this amendment shall be adopted, we will have then singled out cotton, and the authority of the department then with reference to the investigation of cotton must be limited to the power conferred by the language relating to cotton, and that is restricted by the words, "with a view to discovering new and additional commercial and scientific uses for cotton." Therefore, I do not believe the department could use a dollar except for that purpose, whereas now they may use it for that purpose or any other purpose which may come within the scope of the general provision.

Mr. MAYFIELD. What other purpose could they use it for? Would not that include everything?

Mr. LENROOT. No.

Mr. MAYFIELD. The words are "additional commercial and scientific uses." I do not know what other use cotton could be put to.

Mr. LENROOT. The words are:

With a view to discovering new and additional commercial and scientific uses.

They undoubtedly are investigating cotton not alone for the purpose of discovering new commercial and scientific uses but of developing the present uses of cotton. I think the Senator will merely injure the cause he is trying to further by insisting upon the amendment.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. LENROOT. Yes.

Mr. McKELLAR. If the amendment were changed by striking out the words "with a view to discovering" and inserting the word "including," would not the amendment then meet the view which the Senator is now expressing? I am rather inclined to think that the amendment as now framed will limit the scope of the investigation, as the Senator from Wisconsin suggests.

Mr. LENROOT. I am inclined to think that the suggestion of the Senator from Tennessee would obviate the criticism.

Mr. MAYFIELD. I do not think the construction as placed upon my amendment by the Senator from Wisconsin is correct, but in order to meet his objection I accept the modification of the amendment as proposed by the Senator from Tennessee.

Mr. McKELLAR. I suggest that in line 3, the words "with a view to discovering" be stricken out and the word "including" be inserted.

Mr. MAYFIELD. I accept the amendment.

The amendment to the amendment was agreed to.

Mr. HARRIS. Mr. President, I wish to say that I have no objection to the amendment of the Senator from Texas after it has been amended as suggested by the Senator from Wisconsin [Mr. LENROOT] and the Senator from Tennessee [Mr. McKELLAR], but in my opinion it is useless. The amendment which I offered in the committee, which provided for an extra \$25,000, is even broader than the amendment proposed by the Senator from Texas. Representatives of Agricultural Department were before the Appropriations Committee, and the committee and the department understood that the language then

incorporated in the bill was broad enough to cover the entire field. I have no objection to the amendment, but as I have stated it is useless. The department understands what it is expected to do under the language as contained in the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. GLASS. Mr. President, I send an amendment to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Virginia will be stated.

The CHIEF CLERK. On page 19, in line 17, in the amendment of the committee it is proposed to strike out "\$434,170" and in lieu thereof to insert "\$449,170."

Mr. WARREN. Mr. President, I trust that the amendment may be accepted.

Mr. McNARY. I may not object. I am quite unaware, however, of what this amendment is all about.

Mr. WARREN. I desire to say, in regard to the amendment which the Senator from Virginia has offered, that the Senator from Virginia is a member of the Appropriations Committee and one of its most efficient members and should have been at the general meeting of the committee when he expected to offer his amendment. The chairman of that committee failed to notify him. Consequently, he was not present to offer it then. Hence, I wish unanimous consent to enable the chairman in charge of the bill to accept the amendment, notwithstanding the irregularity of it, and hope that the Senate will allow the amendment to go to conference and take its fortune there, as all these other late amendments will have to do.

Mr. McNARY. I should like an explanation of the reason for the increase.

Mr. GLASS. Mr. President, the effect of the amendment is to increase by the sum of \$15,000 the appropriation on line 17 of page 19 and for this purpose:

There has recently developed a contention and a practice among the packing houses with respect to the meat of beef cattle which are grazed in the blue-grass districts of the United States. The contention is that grazing these cattle on blue grass causes a discoloration of the meat; and for that reason the practice has been to pay a less sum for beef cattle grown on blue-grass ranges, with the alleged discoloration of meat, than for other cattle. That matter has been a subject of investigation by the Department of Agriculture for several years, but the investigation has not been carried to its conclusion; and I am advised that with this additional appropriation of \$15,000 the investigation can be made complete, with a view to determining whether or not there is any way to avert this discoloration of meat.

The VICE PRESIDENT. Without objection, the vote whereby the amendment on page 19, line 17, was agreed to will be reconsidered. The question is on agreeing to the amendment offered by the Senator from Virginia to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. STEWART. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 56, line 23, it is proposed to strike out "\$1,054,355" and to insert in lieu thereof "\$1,068,105."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. McNARY. Mr. President, what action was taken on that amendment? Was any action taken on it?

The VICE PRESIDENT. It was agreed to.

Mr. McNARY. I ask its reconsideration, because my attention was diverted.

The VICE PRESIDENT. Without objection, the amendment will be reconsidered.

Mr. McNARY. Mr. President, I have full sympathy with the purpose of this amendment. The idea of it is to extend the market-news service from Omaha, Nebr., or Ames, Iowa, to Sioux City, Iowa, by the use of a leased wire, which is called the complete service.

The committee considered this matter very carefully. The committee also considered another amendment, offered by the Senator from Idaho [Mr. GOODING], to give the same leased-wire service from Salt Lake City to Boise, Idaho. The committee took up this matter with the Department of Agriculture and recommended that the department make a complete national survey of the extension of this leased-wire service to all important market centers in the United States and report to the committee at the end of the fiscal year. Therefore we



found it not prudent at this time to select various communities and give them this complete service, unless we could extend the service throughout the country.

There were members of the committee who wanted the service extended into their country. They now receive a partial service. It was thought best, however, to treat the matter in a statesmanlike way and attempt to make this service as complete as possible and as ample as it can be reasonably made by means of a leased wire. Consequently, the committee turned down all the amendments that had been offered to extend this leased-wire service through the country.

Having been instructed, as chairman of the subcommittee, to oppose any further legislation of this kind, in view of the committee's attitude I shall have to oppose this item by invoking the rule. It is not estimated for by the Director of the Budget; it has not been reported by a standing or select committee; and it increases an appropriation.

Mr. STEWART. Mr. President, I hope the Senator will not invoke the rule in this case, because our request is based upon an entirely different ground than that of any other request for this market news service, for two reasons: First, because the Senate passed this matter last year. The Senate has already approved it. The Senate passed it last year, and it was lost in conference. Secondly, because we do not stand in the need of a survey. The Department of Agriculture, through the Bureau of Agricultural Economics, requested this increase and included it in its preliminary estimate. Why? Because Sioux City is the fourth livestock market of the world. How can the Bureau of Agricultural Economics give a complete market news service with the fourth largest livestock market of the world left out of it?

The idea of this service is not merely to disseminate something over somebody's broadcasting station; the idea of it is to reach the primary markets of the country, gather the information, distribute that information to the other primary markets and to the world, and to give to this market the news of the other primary markets.

Mr. President, as I said, I hope the Senator from Oregon will not invoke the rule, because our request stands upon an entirely different basis. The Senate has once approved it, and the department has requested it.

Mr. McNARY. Mr. President, the Senator from Iowa has made a very vigorous and intelligent fight for this amendment; and his constituency should feel that he has done all that he could, both before the committee and on the floor of the Senate. I regret exceedingly to have to invoke the rule, but I must be persistent when my course is laid out before me.

Mr. SWANSON. Mr. President—

Mr. McNARY. Just a moment, and I will yield.

It is a debatable proposition whether Sioux City is the most important place to which the service should go. I recall, when the matter was before the committee, that one of the members of the committee urged that his section of the country, which did not receive any service whatsoever, should first be given a partial service; that 90 miles away from this point is Omaha, Nebr., and 60 miles away is Ames, Iowa, where the State college is located, and it is the only agricultural college in all the States that is receiving this service, and it was thought that Iowa was pretty well taken care of.

Mr. President, I am not going into the argument of comparisons. They never satisfy anyone, and sometimes wounds are left. I must repeat, however, that in view of the situation, where we have a leased wire going into some sections of the country, most of which have no service whatsoever, it is a fair and intelligent course to pursue, in my opinion, for the Department of Agriculture to determine how they can make this service national in its character; and it is the duty of the Congress to appropriate the money so that every city, whether it be in Iowa, in Washington, in Arizona, in Florida, or in Maine, should be served.

For that reason, after thorough investigation and complete and exhaustive study of this problem, I must insist upon the invocation of the rule.

The VICE PRESIDENT. The point of order is well taken.

Mr. STEWART. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 56, at the end of line 23, it is proposed to strike out the period, insert a colon in lieu thereof, and add the following:

*Provided, That with said funds herein appropriated full leased-wire service shall be established and maintained at Sioux City, Iowa, in accordance with the preliminary estimates of the Department of Agriculture.*

Mr. McNARY. I make the same objection to this amendment that I made to the other amendment.

The VICE PRESIDENT. The point of order is well taken.

Mr. STEWART. Mr. President, speaking to the point of order, I do not think the point is well taken. A parliamentary inquiry: Under what rule is the point of order made?

Mr. LENROOT. That it is legislation.

Mr. McNARY. Yes, certainly—that it is legislation on an appropriation bill. The objection is made under Rule IX.

Mr. STEWART. Mr. President, the department now has a \$10-a-month wire into Sioux City, which is already included in the departmental estimates. It is not something new; it is merely providing that full service shall be given there.

The VICE PRESIDENT. If it requires the passage of a new law, it was unlawful before.

Mr. STEWART. No, Mr. President; it only increases the service which was already there from a picayunish service that amounts to nothing to the kind of service that the department itself asks for.

The VICE PRESIDENT. The Chair holds that it is new legislation, and that the point of order is well taken.

Mr. REED of Pennsylvania. Mr. President, I am about to offer an amendment, very small in amount, which I want to say frankly is open to a point of order from nearly every standpoint; but I am going to appeal to the Senator from Oregon, because of the peculiar conditions of the case, to allow the amendment to go in the bill and go to conference.

The facts are these:

There is a very extensive mushroom industry in Chester and Delaware Counties, Pa. Those two counties constitute the eighth congressional district, and that district is represented by Congressman THOMAS S. BUTLER, the distinguished chairman of the Committee on Naval Affairs of the House. Every Senator knows why he has been busy, and how busy he has been, on the matter of new cruiser construction. He came to me this morning with this suggested amendment, which, he says, is entirely satisfactory to the department and to the Committee on Agriculture in the House of Representatives, and stated that the committee had told him that if he had submitted the amendment to them it undoubtedly would have been included in the bill.

The amendment authorizes an increase of \$3,000 in the \$108,440 which is appropriated on page 23 for the study of plant diseases. These mushroom constituents of Mr. BUTLER have had great trouble and very serious loss from a disease, which is not understood, which causes spots on the surface of their product. I am told by him that the probable conferees on the part of the House have already expressed their readiness to accept this item and their conviction that it is proper and ought to be granted. In behalf of Mr. BUTLER, and with some recognition of the public service he has been rendering, I want to appeal to the Senator from Oregon not to make the point of order which I confess can be made.

Mr. BRUCE. Mr. President, may I ask the Senator from Pennsylvania whether there is any protective duty on this mushroom industry?

Mr. REED of Pennsylvania. No, Mr. President; there is not.

Mr. BRUCE. There usually is.

The VICE PRESIDENT. The amendment offered by the Senator from Pennsylvania will be stated.

The CHIEF CLERK. On page 23, line 16, it is proposed to strike out "\$108,440" and insert "\$111,440."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. McNARY. Mr. President, I regret exceedingly that I can not yield to the plea of my friend from Pennsylvania.

The VICE PRESIDENT. Without objection, the amendment is reconsidered.

Mr. REED of Pennsylvania. Mr. President, I must object to the reconsideration. The amendment has already been agreed to.

Mr. McNARY. Mr. President, I do not so understand. I was demanding recognition; and a practice of that kind would lead to no good results anyhow. As chairman of the subcommittee, I ask, if the amendment has been agreed to—and I can not believe that it has—that the action be reconsidered.

The VICE PRESIDENT. All in favor of reconsidering the amendment will say "aye." [A pause.] Those opposed will say "no." [A pause.] The ayes have it, and the amendment is reconsidered.

Mr. REED of Pennsylvania. Mr. President, may I appeal to the Senator from Oregon further? Just recently, within the last 10 minutes, he has accepted an amendment offered by the Senator from Virginia [Mr. GLASS], which all of us knew was

open to the point of order; and it was accepted on the ground that the engagements of the Senator from Virginia made it impossible for him to attend the committee meeting.

Mr. GLASS. Oh, no, Mr. President; my engagements never prevent me from attending committee meetings. I had no notice that there was to be a committee meeting.

Mr. WARREN. Mr. President, the Senator from Virginia is right. The truth of the matter is that the chairman of the Appropriations Committee [Mr. WARREN] neglected to notify the Senator from Virginia of the general meeting of the committee, as he should have done. Hence I appealed for the acceptance of the amendment on that account.

Mr. REED of Pennsylvania. The appeal was successful, because the Senator recognized that it was his fault, then, that the Senator from Virginia had not come to the committee meeting, although the amendment was obviously subject to the point of order. This amendment, which was equally subject to the point of order, comes with an even better excuse, in that Mr. BUTLER's engagements have, frankly, kept him from attending the committee meetings in the House, and I think it is only a decent recognition of his situation that we should allow this amendment to go in.

Mr. McKELLAR. Mr. President, I would like to join in the appeal to the chairman of the committee—

Mr. McNARY. I think I have the floor.

Mr. McKELLAR. That this be allowed. I hope the Senator will not make the point of order.

Mr. HEFLIN. Mr. President, it may be that a mushroom farm up in Pennsylvania could be used to advantage after the 4th of next March. There will be quite a flock of Republican "lame ducks" around here to take care of at that time, and I suggest that we put them to work on this mushroom farm up in Pennsylvania. [Laughter.]

Mr. McNARY. Mr. President, one's position is difficult in a matter of this kind. I realized, when the chairman of the committee, the Senator from Wyoming [Mr. WARREN], asked as a personal privilege that the amendment of the Senator from Virginia be included in the bill, that it was establishing a bad precedent, and I regretted exceedingly to feel compelled to agree to it, and I agreed only as a matter of courtesy to the chairman of the Committee on Appropriations. Had I expressed my own wish, I would have objected to it, because I am not going to play any favorites with regard to this bill, or any other bill of which I am in charge.

As to the item under question, it is clearly without the rule. A great amount of money is provided for a study of the kind referred to. I think the Senator will have no difficulty, and Mr. BUTLER will have no difficulty, if an appeal is made to the department to make this particular study.

I will say that if the item is sent before the Committee on Agriculture as a special bill I shall personally see that an early and favorable report is made thereon. But I could not at this hour, and under these circumstances, open the floodgates to amendments which I am sure could not be kept in the bill in conference. Consequently, I feel it to be my duty to invoke the rule.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me for a moment?

Mr. McNARY. I yield.

Mr. REED of Pennsylvania. I want to appeal to the chairman of the Committee on Appropriations, who himself realizes the burden under which Mr. BUTLER has been working, to make the same request in his case, because the Senator knows that it is just, as was the request made by the Senator from Virginia. No one who has the military defense of the country at heart can blame Mr. BUTLER for failing to get his amendment in in the House.

Mr. WARREN. Mr. President, the Senator from Pennsylvania is noted for his taking ways and his eloquence. If he will bring the matter to me when I have charge of some bill coming before us later, and will bring it to me in the proper form, which he will have time to do, I shall be very glad to sustain his position. I am rather embarrassed, of course, under the circumstances, because I am anxious, as I believe the entire Senate is, that we get along early with supply bills so we may not have to have an extra session for matters of this nature alone. Hence we undertook during the recess to put forward so far as we could all matter with relation to appropriation bills. As the result of our action, for the first time in my experience in the Senate, and for the first time in history, so far as I know, some of the annual appropriation bills have been gotten through before the Christmas vacation.

The chairman of the subcommittee takes the proper position that we can not go beyond a certain line; and it is hardly within my power, and certainly not within my desire, to inter-

fere. But I would be very glad to help out in this matter when the next deficiency bill comes before us—and that probably will be within the next week or so—and if the Senator from Pennsylvania will take that matter up in the proper way, I shall be very glad to assist him.

Mr. SWANSON. Mr. President, it does seem to me that the Committee on Appropriations of the Senate is taking a very dictatorial authority when it refuses to consider a matter which is right and which ought to be considered.

Mr. WARREN. Mr. President, if the Senator will excuse me, the chairman of the committee has to take this position because so many matters are presented which are absolutely wrong on their face; he has to take a stand somewhere.

Furthermore, the rules of the Senate provide that if the chairman of the Committee on Appropriations, or chairman of a subcommittee, brings a bill before the Senate containing a single item obnoxious to the rules of the Senate, and the matter is objected to, and the objection is sustained by the Chair, the whole bill must go back to the committee. Hence the care with which we have to handle these matters. In connection with almost every bill we have reported, matters have come up at a late hour, some of them offered by the Senator in charge of the bill, for which unanimous consent is requested, as has been done in this case, which belated matters might have been accepted if brought before the committee in the proper time and way. But in order to get these bills through in an orderly way there are times when the chairman of the committee or the chairman of a subcommittee must seem to be arbitrary to those who are not members of the committee and are, therefore, unacquainted with the studies the committee has given to all the subjects of appropriations.

Mr. SWANSON. Mr. President, I was referring to the position assumed by the Committee on Appropriations. All the appropriations made by Congress must go through that committee. They have charge of all the appropriations of money, and the rest of the committees simply recommend authorizations. Unless a standing committee moves that a matter shall be offered as an amendment, a point of order can be made by a member of the Committee on Appropriations if it is offered on the floor. They have a great and vast power given them under the Budget system.

Mr. McNARY. Mr. President, a parliamentary inquiry. I thought I had the floor.

Mr. SWANSON. No; I wish to be recognized. The Senator yielded. Why does the Senator object when I am stating a proposition on which I want to appeal to the Senator?

Mr. McNARY. I did not yield for a long speech.

Mr. SWANSON. This is not a long speech. The Senator will make more progress by letting me conclude than by making me reiterate what I previously stated.

Mr. McNARY. I want to dispose of this item.

Mr. SWANSON. I want to appeal to the Senator's conscience. If the Senator has no conscience or fairness, I will close the appeal.

Mr. McNARY. I am anxious to get to the consideration of the treaty with Turkey, and I want to get through with this question, which the Senator from Virginia is not anxious to do.

Mr. SWANSON. Mr. President, this is a remarkable situation. The Senator from Pennsylvania has convinced both the chairman of the Committee on Appropriations and the Senator in charge of the bill that this is righteous legislation. They promise him that in the great future they will try to get it through; but when a man has proven his case, then to invoke the autocratic authority of the Appropriations Committee to destroy the amendment seems to me to be wrong.

Heretofore when the chairman of a committee having charge of a bill was convinced that an amendment was right, he would take it to conference for consideration. One had an opportunity to present to this autocrat a claim for consideration on behalf of his constituents. But now they have become more autocratic, more dictatorial, and, while they admit the righteousness of your cause, they will not even consider it, but invoke the rule.

Mr. McNARY. Mr. President, a man with courage stands here and invokes the rule in the face of opposition. A man who wants to trade and work in the dark goes to conference.

Mr. SWANSON. A man ought to be controlled by what is right. If he thinks a certain amendment is righteous legislation, he ought to take it to conference. Do what is right.

Mr. McNARY. I think that ought to appeal to the Senator from Virginia.

The VICE PRESIDENT. The point of order is well taken.

Mr. HOWELL. Mr. President, I offer an amendment which I send to the desk.

The VICE PRESIDENT. The clerk will state the amendment.



The CHIEF CLERK. On page 29, line 21, to strike out "\$115,000" and insert in lieu thereof "\$117,300."

Mr. HOWELL. Mr. President, the amount estimated for by the Bureau of the Budget was \$117,300, but the amount in the bill is \$115,000. The \$2,300 was proposed by the Bureau of the Budget for the purpose of developing strains of artichokes, which it is hoped will serve as a source for sugar. As the amendment is not subject to a point of order, I urge its adoption.

Mr. McNARY. Mr. President, I suspect the cause is a worthy one, and I would like to see sugar extracted from artichokes, as we are short of sugar in the country. I am not sure, though, of the parliamentary status of this proposed amendment. The Senator from Nebraska says it has the sanction of the Bureau and Director of the Budget. If so, would that give it a parliamentary status which would entitle it to be attached to this bill?

Mr. HOWELL. I think there is no question as to its parliamentary status.

The VICE PRESIDENT. It is in order under the provisions of Rule XVI. It is "proposed in pursuance of an estimate submitted in accordance with law."

Mr. McNARY. I want to invoke the rule unless it comes within the statement made by the Senator from Nebraska.

The VICE PRESIDENT. It was estimated for and proposed by the Budget.

Mr. McNARY. Then it has a status.

The VICE PRESIDENT. It has a parliamentary status. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HARRIS. Mr. President, I offer an amendment, which does not provide for any appropriation, but would make available the \$25,000 appropriated for discovering additional uses for cotton.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 54, line 15, after the words "meat products," add the following:

Not exceeding \$25,000 for cotton utilization, to be made immediately available.

The VICE PRESIDENT. Without objection—

Mr. LENROOT. Mr. President, may I submit to the Chair that when an amendment is offered of this character it should not be stated that the amendment is agreed to "without objection," because presumably the committee has not favored it. I submit that the question should be put on agreeing to the amendment.

Mr. McNARY. I am trying to follow the text of the bill, and absorb, as best I can, the ideas of the Senator's amendment. I am not sure now what it means. Does the Senator mean to make immediately available the amount of money recommended to be appropriated by the Senate committee?

Mr. HARRIS. Yes; not exceeding that amount, to be made immediately available. We have 6,000,000 bales of surplus cotton, and we are trying to find additional uses for it.

Mr. McNARY. I do not see how I could avoid invoking the rule. I think the amendment comes clearly within the rule. It was not considered by the committee. The money was not to be made available until the beginning of the fiscal year 1928. It might be taken care of in a deficiency bill, of course, but we are trying to treat all amendments in the same way. I shall have to invoke the rule.

Mr. GOODING. Mr. President, I should like to ask the Senator who has this bill in charge what hope there is for such States as Idaho which are without the leased-wire service giving market news and reports for receiving an extension of the leased wire from Salt Lake City to Boise for another year.

I appeared before the committee and asked for an appropriation of \$10,716 so that the people of Idaho would receive these reports this year, but the committee refused, as the chairman knows, to extend the leased wire from Salt Lake City to Boise. Idaho is without any market news service that is at all efficient, yet I understand the Government is spending annually something like \$1,050,000 in different parts of the country for disseminating market news and reports. Some States have two or three stations where this news is disseminated. Idaho is a mighty factor in the production of all agricultural crops, yet this service is denied to my State. I should like to be able to hold out some encouragement to my people and I am asking the Senator what the hope is for an appropriation to take care of the people of Idaho for another year.

Mr. McNARY. I may state to the distinguished Senator from Idaho that the case is hopeless. I stated a little while ago in connection with a very strong appeal—

Mr. GOODING. I am asking with reference to another year, not this year.

Mr. McNARY. That lies in the laps of the prophets. I am hopeful that the Department of Agriculture will give us a figure which will justify the committee in extending this splendid service throughout the country, and if it is extended throughout the country that would, of course, include Idaho. I can not even anticipate what action the department will take. I can extend this hope to the Senator from Idaho, however, that some time in the future the service will come to Boise as quickly as to any other city in the West.

Mr. GOODING. That is not very much encouragement. It is rather indefinite. It seems to me if the service is going to be meted out to a part of the American people it ought to be given to all. My State is without it. I understand the great Northwest is without it entirely. I had hoped that the Senator in charge of the bill might offer some encouragement to the people of my State for another year.

Mr. McNARY. I said that I hoped something would be done for the people of Idaho in connection with the leased wire next year, but I can not go further than expressing the hope.

Mr. BLEASE. Mr. President, I offer the amendment, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 8, after line 6, add the following:

Fifty thousand dollars to the Clemson Agricultural College of South Carolina and \$50,000 to the Colored Agricultural College of South Carolina, located at Orangeburg, S. C.

Mr. BLEASE. Mr. President, a few days ago the Senate passed a bill contributing a good deal more than \$100,000 to manufacture some lawyers here in the city of Washington, clearly in violation of the Constitution of the United States. The bill was objected to, but the objection was promptly overruled and the bill was passed. I am now asking the Senate to be as kind to the white boys as well as the colored boys and girls of South Carolina under the amendment which I have proposed and to give them the small sum of \$100,000 to help them become agriculturists and domestic scientists.

Mr. McNARY. No estimate has been made by the Director of the Budget. Consequently I invoke the rule.

The VICE PRESIDENT. The point of order is well taken. The bill is still as in Committee of the Whole and open to amendment. If there are no further amendments to be offered, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. McNARY. I ask unanimous consent that the clerks be authorized to correct any totals which may be in error.

The VICE PRESIDENT. Without objection, it is so ordered.

#### EXECUTIVE SESSION

Mr. BORAH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 3 minutes p. m.) adjourned until to-morrow, Wednesday, January 5, 1927, at 12 o'clock meridian.

#### NOMINATIONS

*Executive nominations received by the Senate January 4, 1927*

##### PROMOTIONS IN THE NAVY

Lieut. Richard S. Bulger to be a lieutenant commander in the Navy from the 1st day of July, 1926.

Lieut. Gerald F. Bogan to be a lieutenant commander in the Navy from the 6th day of September, 1926.

Lieut. Frank E. Beatty, jr., to be a lieutenant commander in the Navy from the 16th day of October, 1926.

Lieut. (Junior Grade) Lloyd A. Dillon to be a lieutenant in the Navy from the 4th day of June, 1926.

Lieut. (Junior Grade) Dew W. Eberle to be a lieutenant in the Navy from the 5th day of June, 1926.

Lieut. (Junior Grade) Stuart H. Ingersoll to be a lieutenant in the Navy from the 1st day of July, 1926.

Lieut. (Junior Grade) Edgar W. Hampson to be a lieutenant in the Navy from the 16th day of July, 1926.

Lieut. (Junior Grade) Burns MacDonald, jr., to be a lieutenant in the Navy from the 17th day of August, 1926.

Lieut. (Junior Grade) Joseph B. Seletski to be a lieutenant in the Navy from the 1st day of September, 1926.

Lieut. (Junior Grade) William A. Gorry to be a lieutenant in the Navy from the 6th day of September, 1926.

Lieut. (Junior Grade) John W. Harris to be a lieutenant in the Navy from the 21st day of September, 1926.

Lieut. (Junior Grade) Francis X. McInerney to be a lieutenant in the Navy from the 3d day of October, 1926.

Lieut. (Junior Grade) William G. Eaton to be a lieutenant in the Navy from the 5th day of October, 1926.

Ensign Calvin H. Mann to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1926.

Medical Inspector Robert E. Hoyt to be a medical director in the Navy, with the rank of captain, from the 28th day of December, 1921.

Medical Inspector Edgar L. Woods to be a medical director in the Navy, with the rank of captain, from the 1st day of July, 1926.

Medical Inspector James P. Haynes to be a medical director in the Navy, with the rank of captain, from the 1st day of September, 1926.

Surg. Walter A. Bloedorn to be a medical inspector in the Navy, with the rank of commander, from the 15th day of May, 1925.

The following-named surgeons to be medical inspectors in the Navy, with the rank of commander, from the 28th day of August, 1926:

John J. O'Malley. Richard H. Laning.

Luther Sheldon, jr. Robert G. Davis.

Stanley D. Hart.

Passed Asst. Surg. Benton V. D. Scott to be a surgeon in the Navy, with the rank of lieutenant commander, from the 1st day of July, 1926.

Passed Asst. Dental Surg. Arthur H. Yando to be a dental surgeon in the Navy, with the rank of lieutenant commander, from the 4th day of June, 1926.

Paymaster Raymond E. Corcoran to be a pay inspector in the Navy, with the rank of commander, from the 31st day of December, 1921.

Acting Chaplain Albert E. Stone to be a chaplain in the Navy, with the rank of lieutenant commander, from the 12th day of June, 1926.

Ensign John R. Perry to be an assistant civil engineer in the Navy, with the rank of ensign, from the 8th day of June, 1923.

Carpenter Arthur F. Whittier to be a chief carpenter in the Navy, to rank with but after ensign, from the 3d day of April, 1926.

Carpenter Charles S. Kimbrough to be a chief carpenter in the Navy, to rank with but after ensign, from the 20th day of July, 1925.

Pay Inspector Henry deF. Mel to be a pay director in the Navy, with the rank of captain, from the 3d day of June, 1922.

#### POSTMASTERS

##### ALABAMA

Harry C. Peterson to be postmaster at Robertsedale, Ala., in place of C. D. Kirtley, removed.

Albert N. Holland to be postmaster at Scottsboro, Ala., in place of A. N. Holland. Incumbent's commission expires January 9, 1927.

Ed. P. Johnson to be postmaster at Samson, Ala., in place of E. P. Johnson. Incumbent's commission expires January 9, 1927.

Marion F. Boatwright to be postmaster at Ashville, Ala., in place of M. F. Boatwright. Incumbent's commission expires January 9, 1927.

##### ALASKA

Zeph T. Halferty to be postmaster at Kodiak, Alaska. Office became presidential July 1, 1926.

##### ARIZONA

Edward J. Huxtable to be postmaster at Douglas, Ariz., in place of C. A. Overlock, deceased.

Warren F. Day to be postmaster at Prescott, Ariz., in place of W. F. Day. Incumbent's commission expired January 4, 1927.

##### CALIFORNIA

George H. Gischel to be postmaster at Tracy, Calif., in place of G. H. Gischel. Incumbent's commission expired January 4, 1927.

Harlan J. Woodward to be postmaster at Ramona, Calif., in place of H. J. Woodward. Incumbent's commission expires January 11, 1927.

Fred W. McCullah to be postmaster at Long Beach, Calif., in place of F. W. McCullah. Incumbent's commission expires January 13, 1927.

Frank L. Powell to be postmaster at Lemoore, Calif., in place of F. L. Powell. Incumbent's commission expired January 3, 1927.

George B. Tantau to be postmaster at Exeter, Calif., in place of G. B. Tantau. Incumbent's commission expired January 3, 1927.

George F. Bartley to be postmaster at Escondido, Calif., in place of G. F. Bartley. Incumbent's commission expired January 4, 1927.

Margaret G. Robinson to be postmaster at Dorris, Calif., in place of M. G. Robinson. Incumbent's commission expired March 9, 1926.

##### COLORADO

Henry J. Stahl to be postmaster at Central City, Colo., in place of H. J. Stahl. Incumbent's commission expires January 12, 1927.

##### CONNECTICUT

Weeden F. Sheldon to be postmaster at Moosup, Conn., in place of W. F. Sheldon. Incumbent's commission expires January 12, 1927.

Alfred C. Ward to be postmaster at Middletown, Conn., in place of A. C. Ward. Incumbent's commission expires January 13, 1927.

##### FLORIDA

Charles W. Stewart to be postmaster at Naples, Fla. Office became presidential July 1, 1926.

Zoel Hodge to be postmaster at Dowling Park, Fla. Office became presidential July 1, 1926.

Thomas H. Milton to be postmaster at Trenton, Fla., in place of T. H. Milton. Incumbent's commission expired December 8, 1926.

##### GEORGIA

George H. Broome to be postmaster at Pavo, Ga., in place of G. H. Broome. Incumbent's commission expired December 20, 1926.

Marcus G. Keown to be postmaster at Mount Berry, Ga., in place of M. G. Keown. Incumbent's commission expired April 17, 1926.

Louise F. Hays to be postmaster at Montezuma, Ga., in place of L. F. Hays. Incumbent's commission expires January 5, 1927.

##### IDAHO

Louis W. Thrailkill to be postmaster at Boise, Idaho, in place of L. W. Thrailkill. Incumbent's commission expires January 9, 1927.

##### ILLINOIS

Robert H. Christen to be postmaster at Pecatonica, Ill., in place of R. H. Christen. Incumbent's commission expires January 10, 1927.

Henry E. Farnam to be postmaster at Pawnee, Ill., in place of G. H. Abshire. Incumbent's commission expired November 9, 1925.

Henry W. Schwartz to be postmaster at Dupu, Ill., in place of H. W. Schwartz. Incumbent's commission expires January 13, 1927.

Orville L. Davis to be postmaster at Champaign, Ill., in place of O. L. Davis. Incumbent's commission expires January 10, 1927.

Jesse E. Miller to be postmaster at Cairo, Ill., in place of J. E. Miller. Incumbent's commission expired January 3, 1927.

##### INDIANA

David E. Purviance to be postmaster at Wabash, Ind., in place of D. E. Purviance. Incumbent's commission expires January 9, 1927.

Lee Herr to be postmaster at Tell City, Ind., in place of Lee Herr. Incumbent's commission expired December 20, 1926.

Bert C. Lind to be postmaster at Sandborn, Ind., in place of B. C. Lind. Incumbent's commission expired December 11, 1924.

Thomas J. Jackson to be postmaster at New Albany, Ind., in place of T. J. Jackson. Incumbent's commission expires January 9, 1927.

Earl L. Rhodes to be postmaster at Milltown, Ind., in place of E. L. Rhodes. Incumbent's commission expired January 24, 1926.

Charlie W. Elliott to be postmaster at Middlebury, Ind., in place of C. W. Elliott. Incumbent's commission expired January 4, 1927.

Arthur E. Dill to be postmaster at Fort Branch, Ind., in place of A. E. Dill. Incumbent's commission expires January 9, 1927.

Wade Denney to be postmaster at Farmersburg, Ind., in place of Wade Denney. Incumbent's commission expired December 28, 1926.



## IOWA

Baty K. Bradfield to be postmaster at Spirit Lake, Iowa, in place of B. K. Bradfield. Incumbent's commission expires January 15, 1927.

Willis G. Smith to be postmaster at Rock Rapids, Iowa, in place of W. G. Smith. Incumbent's commission expires January 15, 1927.

Elsie A. Haskell to be postmaster at Luverne, Iowa, in place of E. A. Haskell. Incumbent's commission expires January 10, 1927.

Jacob E. Rogers to be postmaster at Lenox, Iowa, in place of J. E. Rogers. Incumbent's commission expires January 10, 1927.

William C. Howell to be postmaster at Keokuk, Iowa, in place of W. C. Howell. Incumbent's commission expires January 15, 1927.

Charles A. Frisbee to be postmaster at Garner, Iowa, in place of C. A. Frisbee. Incumbent's commission expires January 10, 1927.

Dennis L. McDonnell to be postmaster at Bernard, Iowa, in place of D. L. McDonnell. Incumbent's commission expired December 28, 1926.

## KANSAS

David W. Naill to be postmaster at Herington, Kans., in place of D. W. Naill. Incumbent's commission expires January 14, 1927.

## KENTUCKY

Jesse W. Sanders to be postmaster at Lancaster, Ky., in place of O. R. Carpenter, deceased.

Ben J. Williams to be postmaster at Kenvir, Ky. Office became presidential July 1, 1926.

James R. Rash to be postmaster at Henderson, Ky., in place of W. G. Turpin, deceased.

Jesse T. Bryant to be postmaster at Hardyville, Ky., in place of E. F. Stuart, removed.

## LOUISIANA

Edward J. Sowar to be postmaster at Norwood, La., in place of E. J. Sowar. Incumbent's commission expired June 12, 1926.

Howard G. Allen to be postmaster at Dubach, La., in place of H. G. Allen. Incumbent's commission expired January 3, 1927.

## MAINE

Harry M. Robinson to be postmaster at Warren, Me., in place of H. M. Robinson. Incumbent's commission expired January 4, 1927.

Jessie E. Nottage to be postmaster at Solon, Me., in place of J. E. Nottage. Incumbent's commission expired January 4, 1927.

## MARYLAND

Howard J. Fehl to be postmaster at Smithsburg, Md., in place of H. J. Fehl. Incumbent's commission expired January 4, 1927.

James P. Keating to be postmaster at Centerville, Md., in place of L. T. Hayden. Incumbent's commission expired February 21, 1926.

## MASSACHUSETTS

Merton Z. Woodward to be postmaster at Shelburne Falls, Mass., in place of M. Z. Woodward. Incumbent's commission expires January 5, 1927.

William Stockwell to be postmaster at Maynard, Mass., in place of William Stockwell. Incumbent's commission expires January 5, 1927.

John B. Rose to be postmaster at Chester, Mass., in place of J. B. Rose. Incumbent's commission expires January 5, 1927.

## MICHIGAN

Andrew Bram to be postmaster at Hancock, Mich., in place of Andrew Bram. Incumbent's commission expires January 12, 1927.

Bert A. Dickerson to be postmaster at Constantine, Mich., in place of B. A. Dickerson. Incumbent's commission expires January 9, 1927.

George W. Weaver to be postmaster at Charlevoix, Mich., in place of G. W. Weaver. Incumbent's commission expired January 4, 1927.

Adam B. Greenawalt to be postmaster at Cassopolis, Mich., in place of A. B. Greenawalt. Incumbent's commission expired January 4, 1927.

Harry B. McCain to be postmaster at Alpena, Mich., in place of H. B. McCain. Incumbent's commission expires January 10, 1927.

## MINNESOTA

Edward J. Giblin to be postmaster at Waverly, Minn., in place of I. J. Jandro. Incumbent's commission expired June 5, 1926.

James W. Featherston to be postmaster at Staples, Minn., in place of J. W. Featherston. Incumbent's commission expires January 15, 1927.

Henry M. Burtness to be postmaster at Spring Grove, Minn., in place of H. M. Burtness. Incumbent's commission expired May 18, 1926.

Will G. Mack to be postmaster at Plainview, Minn., in place of W. G. Mack. Incumbent's commission expired December 16, 1926.

Walter Peltoniemi to be postmaster at New York Mills, Minn., in place of Walter Peltoniemi. Incumbent's commission expired December 20, 1925.

Charles F. Wolfe to be postmaster at Kellogg, Minn., in place of C. F. Wolfe. Incumbent's commission expires January 15, 1927.

Fred G. Fratzke to be postmaster at Janesville, Minn., in place of F. G. Fratzke. Incumbent's commission expires January 9, 1927.

Odin D. Krogen to be postmaster at Fountain, Minn., in place of O. D. Krogen. Incumbent's commission expired December 21, 1926.

Anthony C. Klee to be postmaster at Aitkin, Minn., in place of A. L. Hamilton. Incumbent's commission expired June 5, 1926.

## MISSOURI

Melvin J. Kelley to be postmaster at Annapolis, Mo. Office became presidential October 1, 1926.

William H. Roster to be postmaster at St. James, Mo., in place of W. H. Roster. Incumbent's commission expired December 4, 1926.

Elvin L. Renno to be postmaster at St. Charles, Mo., in place of E. L. Renno. Incumbent's commission expired December 8, 1926.

Frank A. Stiles to be postmaster at Rockport, Mo., in place of F. A. Stiles. Incumbent's commission expires January 5, 1927.

Charles A. Bryant to be postmaster at Richland, Mo., in place of C. A. Bryant. Incumbent's commission expired December 22, 1926.

Fred Mitchell to be postmaster at Purdy, Mo., in place of Fred Mitchell. Incumbent's commission expired December 22, 1925.

Theron H. Watters to be postmaster at Marshfield, Mo., in place of T. H. Watters. Incumbent's commission expired December 4, 1926.

William E. Hodgins to be postmaster at Maitland, Mo., in place of W. E. Hodgins. Incumbent's commission expires January 5, 1927.

Lloyd R. Kirtley to be postmaster at Madison, Mo., in place of L. R. Kirtley. Incumbent's commission expired December 4, 1926.

Henry O. Abbott to be postmaster at Lebanon, Mo., in place of H. O. Abbott. Incumbent's commission expires January 15, 1927.

William S. Tabler to be postmaster at Jasper, Mo., in place of W. S. Tabler. Incumbent's commission expired February 17, 1926.

John A. Griesel to be postmaster at Golden City, Mo., in place of J. A. Griesel. Incumbent's commission expired December 4, 1926.

Louis E. Meyer to be postmaster at Bowling Green, Mo., in place of L. E. Meyer. Incumbent's commission expired February 17, 1926.

Benonia F. Hardin to be postmaster at Albany, Mo., in place of B. F. Hardin. Incumbent's commission expired December 20, 1926.

## MONTANA

Robert H. Michaels to be postmaster at Miles City, Mont., in place of R. H. Michaels. Incumbent's commission expires January 8, 1927.

Howard Squires to be postmaster at Harlowton, Mont., in place of Howard Squires. Incumbent's commission expires January 12, 1927.

John O. Dahl to be postmaster at Froid, Mont., in place of J. O. Dahl. Incumbent's commission expired September 22, 1926.

Edwin Grafton to be postmaster at Billings, Mont., in place of O. B. Prickett. Incumbent's commission expired July 11, 1926.

## NEBRASKA

George W. Harding to be postmaster at Ralston, Nebr., in place of G. W. Harding. Incumbent's commission expired January 16, 1926.

Edward Ericksen to be postmaster at Boelus, Nebr., in place of Edward Ericksen. Incumbent's commission expires January 12, 1927.

## NEW HAMPSHIRE

Cora H. Eaton to be postmaster at Littleton, N. H., in place of C. H. Eaton. Incumbent's commission expires January 9, 1927.

Lena K. Smith to be postmaster at Lancaster, N. H., in place of L. K. Smith. Incumbent's commission expires January 9, 1927.

## NEW JERSEY

Ada E. Holmes to be postmaster at Sayreville, N. J., in place of A. E. Holmes. Incumbent's commission expired August 24, 1926.

## NEW MEXICO

James A. Shipley to be postmaster at Silver City, N. Mex., in place of J. A. Shipley. Incumbent's commission expired December 20, 1926.

Maud W. Lenfestey to be postmaster at Aztec, N. Mex., in place of M. W. Lenfestey. Incumbent's commission expired December 20, 1926.

## NEW YORK

Frederick A. Billipp to be postmaster at Mamaroneck, N. Y., in place of H. R. Foshay, resigned.

Margaret D. Martin to be postmaster at Willard, N. Y., in place of M. D. Martin. Incumbent's commission expires January 11, 1927.

Arthur F. Crandall to be postmaster at Wappingers Falls, N. Y., in place of A. F. Crandall. Incumbent's commission expires January 11, 1927.

Victor J. Banfield to be postmaster at Van Etten, N. Y., in place of V. J. Banfield. Incumbent's commission expires January 11, 1927.

Lewis E. Elston to be postmaster at Unionville, N. Y., in place of L. E. Elston. Incumbent's commission expired January 4, 1927.

Fred Hahn to be postmaster at Tonawanda, N. Y., in place of Fred Hahn. Incumbent's commission expires January 11, 1927.

George F. Hendricks to be postmaster at Sodus, N. Y., in place of G. F. Hendricks. Incumbent's commission expires January 12, 1927.

William Sanford to be postmaster at Savona, N. Y., in place of William Sanford. Incumbent's commission expired December 4, 1926.

William T. Binks to be postmaster at Rome, N. Y., in place of W. T. Binks. Incumbent's commission expires January 11, 1927.

Harry Pottenburgh to be postmaster at Rhinebeck, N. Y., in place of Harry Pottenburgh. Incumbent's commission expires January 11, 1927.

Scott E. Gage to be postmaster at Morris, N. Y., in place of S. E. Gage. Incumbent's commission expired August 30, 1926.

Franklin H. Sheldon to be postmaster at Middleport, N. Y., in place of F. H. Sheldon. Incumbent's commission expires January 11, 1927.

Samuel W. Berry to be postmaster at Maybrook, N. Y., in place of S. W. Berry. Incumbent's commission expired January 4, 1927.

John R. Baldwin to be postmaster at Livingston Manor, N. Y., in place of J. R. Baldwin. Incumbent's commission expires January 11, 1927.

John L. Mahalish to be postmaster at Hillburn, N. Y., in place of J. L. Mahalish. Incumbent's commission expires January 11, 1927.

Wilbur S. Oles to be postmaster at Delhi, N. Y., in place of W. S. Oles. Incumbent's commission expires January 11, 1927.

Wright B. Drumm to be postmaster at Chatham, N. Y., in place of W. B. Drumm. Incumbent's commission expires January 12, 1927.

Guy M. Lovell to be postmaster at Camillus, N. Y., in place of G. M. Lovell. Incumbent's commission expires January 12, 1927.

## NORTH CAROLINA

David Smith to be postmaster at Whiteville, N. C., in place of David Smith. Incumbent's commission expires January 11, 1927.

Otis P. Brower to be postmaster at Liberty, N. C., in place of O. P. Brower. Incumbent's commission expires January 11, 1927.

Blanche S. Wilson to be postmaster at Warsaw, N. C., in place of B. S. Wilson. Incumbent's commission expires January 10, 1927.

Samuel S. Weir to be postmaster at Kings Mountain, N. C., in place of S. S. Weir. Incumbent's commission expires January 10, 1927.

James E. Correll to be postmaster at China Grove, N. C., in place of J. E. Correll. Incumbent's commission expires January 10, 1927.

Ulysses C. Richardson to be postmaster at Asheboro, N. C., in place of U. C. Richardson. Incumbent's commission expires January 10, 1927.

## NORTH DAKOTA

Grace Anderson to be postmaster at Selfridge, N. Dak. Office became presidential October 1, 1924.

Minnie Alexander to be postmaster at Sherwood, N. Dak., in place of Minnie Alexander. Incumbent's commission expired February 20, 1926.

Desha V. Poland to be postmaster at Parshall, N. Dak., in place of D. V. Poland. Incumbent's commission expired February 9, 1926.

David L. Rourke to be postmaster at Osnabrock, N. Dak., in place of D. L. Rourke. Incumbent's commission expires January 8, 1927.

Harry M. Pippin to be postmaster at Halliday, N. Dak., in place of H. M. Pippin. Incumbent's commission expired December 22, 1925.

Jacob A. Phillips to be postmaster at Cleveland, N. Dak., in place of J. A. Phillips. Incumbent's commission expires January 9, 1927.

## OHIO

Mary E. Lee to be postmaster at Westerville, Ohio, in place of M. E. Lee. Incumbent's commission expired December 4, 1926.

Robert L. Nelson to be postmaster at Senecaville, Ohio, in place of R. L. Nelson. Incumbent's commission expired September 14, 1926.

Roy Heap to be postmaster at St. Marys, Ohio, in place of Roy Heap. Incumbent's commission expires January 5, 1927.

Mayme Pemberton to be postmaster at Roseville, Ohio, in place of Mayme Pemberton. Incumbent's commission expired December 30, 1926.

Leonidas A. Smith to be postmaster at Ridgeway, Ohio, in place of L. A. Smith. Incumbent's commission expired May 24, 1926.

Arthur G. Williams to be postmaster at Perrysburg, Ohio, in place of A. G. Williams. Incumbent's commission expires January 10, 1927.

Henry H. Harvey to be postmaster at Kenton, Ohio, in place of H. H. Harvey. Incumbent's commission expired December 30, 1926.

George H. Lewis to be postmaster at Geneva, Ohio, in place of G. H. Lewis. Incumbent's commission expires January 5, 1927.

William H. Taylor to be postmaster at Cuyahoga Falls, Ohio, in place of W. H. Taylor. Incumbent's commission expires January 12, 1927.

Howard B. Kurtz to be postmaster at Conneaut, Ohio, in place of H. B. Kurtz. Incumbent's commission expires January 5, 1927.

Samuel F. Rose to be postmaster at Clarington, Ohio, in place of S. F. Rose. Incumbent's commission expired September 12, 1926.

Herbert Newhard, sr., to be postmaster at Carey, Ohio, in place of Herbert Newhard, sr. Incumbent's commission expires January 12, 1927.

Warren E. Smiley to be postmaster at Cardington, Ohio, in place of W. E. Smiley. Incumbent's commission expires January 5, 1927.

Edward C. Anderson to be postmaster at Blanchester, Ohio, in place of E. C. Anderson. Incumbent's commission expires January 5, 1927.

## OKLAHOMA

Robert B. Morford to be postmaster at Lawton, Okla., in place of R. B. Morford. Incumbent's commission expired January 4, 1927.

Henry W. Hoel to be postmaster at Jennings, Okla., in place of H. W. Hoel. Incumbent's commission expires January 10, 1927.

## OREGON

Annie S. Clifford to be postmaster at Molalla, Oreg., in place of A. S. Clifford. Incumbent's commission expires January 13, 1927.

Adam H. Knight to be postmaster at Canby, Oreg., in place of A. H. Knight. Incumbent's commission expired January 3, 1927.

George C. Stephens to be postmaster at Arlington, Oreg., in place of G. C. Stephens. Incumbent's commission expires January 13, 1927.



## PENNSYLVANIA

William A. McMahan to be postmaster at West Pittsburg, Pa., in place of W. A. McMahan. Incumbent's commission expired December 28, 1926.

Sara B. Coulter to be postmaster at Wampum, Pa., in place of S. B. Coulter. Incumbent's commission expired December 28, 1926.

Frederick M. Adam to be postmaster at Temple, Pa., in place of F. M. Adam. Incumbent's commission expires January 8, 1927.

Joseph L. Roberts to be postmaster at Sharon, Pa., in place of J. L. Roberts. Incumbent's commission expired December 28, 1926.

Franklin H. Bean to be postmaster at Quakertown, Pa., in place of F. H. Bean. Incumbent's commission expires January 15, 1927.

Paul C. Rupp to be postmaster at Pitcairn, Pa., in place of P. C. Rupp. Incumbent's commission expires January 5, 1927.

H. Stanley Drake to be postmaster at Norristown, Pa., in place of H. S. Drake. Incumbent's commission expired June 30, 1926.

Samuel H. Bubb to be postmaster at McClure, Pa., in place of S. H. Bubb. Incumbent's commission expires January 8, 1927.

Effie P. Corts to be postmaster at Karns City, Pa., in place of E. P. Corts. Incumbent's commission expired December 20, 1926.

William T. Cruse to be postmaster at Derry, Pa., in place of W. T. Cruse. Incumbent's commission expires January 8, 1927.

Harvey A. McKillip to be postmaster at Bloomsburg, Pa., in place of H. A. McKillip. Incumbent's commission expires January 8, 1927.

## SOUTH CAROLINA

Mary C. Price to be postmaster at Whitmire, S. C., in place of Davis Duncan, deceased.

Mortimer R. Sams to be postmaster at Jonesville, S. C., in place of M. R. Sams. Incumbent's commission expires January 9, 1927.

Alonzo D. Webster to be postmaster at Orangeburg, S. C., in place of D. K. Dukes. Incumbent's commission expired August 5, 1926.

## SOUTH DAKOTA

Matt Flavin to be postmaster at Sturgis, S. Dak., in place of Matt Flavin. Incumbent's commission expires January 9, 1927.

Benjamin R. Stone to be postmaster at Lead, S. Dak., in place of B. R. Stone. Incumbent's commission expires January 9, 1927.

Gunnell M. Gorder to be postmaster at Frederick, S. Dak., in place of G. M. Gorder. Incumbent's commission expired December 9, 1926.

Solomon Hoy to be postmaster at Fort Pierre, S. Dak., in place of Solomon Hoy. Incumbent's commission expired January 4, 1927.

## TENNESSEE

Conley Collins to be postmaster at Morristown, Tenn., in place of Conley Collins. Incumbent's commission expires January 9, 1927.

Everett R. Doolittle to be postmaster at Madison, Tenn., in place of E. R. Doolittle. Incumbent's commission expired March 24, 1926.

## TEXAS

Robert H. Rhodes to be postmaster at Waelder, Tex., in place of R. H. Rhodes. Incumbent's commission expires January 12, 1927.

Mary A. Haskell to be postmaster at Stockdale, Tex., in place of M. A. Haskell. Incumbent's commission expires January 5, 1927.

Oscar O. Ashenhurst to be postmaster at Lorena, Tex., in place of O. O. Ashenhurst. Incumbent's commission expires January 12, 1927.

Sidney O. Hyer to be postmaster at Frost, Tex., in place of S. O. Hyer. Incumbent's commission expires January 9, 1927.

Rebecca White to be postmaster at Carbon, Tex., in place of Rebecca White. Incumbent's commission expired December 23, 1926.

Minnie L. Landon to be postmaster at Burnet, Tex., in place of M. L. Landon. Incumbent's commission expires January 5, 1927.

Charles A. Ziegenhals to be postmaster at Bastrop, Tex., in place of C. A. Ziegenhals. Incumbent's commission expires January 15, 1927.

## UTAH

Aroet L. Harris to be postmaster at Richmond, Utah, in place of A. L. Harris. Incumbent's commission expires January 9, 1927.

George M. Jones to be postmaster at Richfield, Utah, in place of G. M. Jones. Incumbent's commission expired January 4, 1927.

Arza C. Page to be postmaster at Payson, Utah, in place of A. C. Page. Incumbent's commission expires January 9, 1927.

Porter A. Clark to be postmaster at Parowan, Utah, in place of P. A. Clark. Incumbent's commission expired December 16, 1926.

## VERMONT

Frank E. Howe to be postmaster at Bennington, Vt., in place of F. E. Howe. Incumbent's commission expires January 12, 1927.

## VIRGINIA

S. Clyde Bliss to be postmaster at Farmville, Va., in place of S. C. Bliss. Incumbent's commission expires January 11, 1927.

William H. Ruebush to be postmaster at Dayton, Va., in place of W. H. Ruebush. Incumbent's commission expires January 11, 1927.

Robert P. Dickenson to be postmaster at Dante, Va., in place of J. N. Booth. Incumbent's commission expired September 22, 1926.

Edwin L. Toone to be postmaster at Boynton, Va., in place of E. L. Toone. Incumbent's commission expires January 8, 1927.

Haynie S. Robertson to be postmaster at Blackstone, Va., in place of H. S. Robertson. Incumbent's commission expires January 8, 1927.

## WASHINGTON

Charles E. Rathbun to be postmaster at Pomeroy, Wash., in place of C. E. Rathbun. Incumbent's commission expires January 11, 1927.

William R. Cox to be postmaster at Pasco, Wash., in place of W. R. Cox. Incumbent's commission expired January 3, 1927.

Walter L. Cadman to be postmaster at Dayton, Wash., in place of W. L. Cadman. Incumbent's commission expires January 11, 1927.

## WEST VIRGINIA

Eva Lucas to be postmaster at Tralee, W. Va., in place of J. C. Smith, resigned.

Horatio S. Whetsell to be postmaster at Kingwood, W. Va., in place of H. S. Whetsell. Incumbent's commission expires January 13, 1927.

## WISCONSIN

Otto A. Olson to be postmaster at Star Prairie, Wis. Office became presidential July 1, 1926.

Henry F. Delles to be postmaster at Port Washington, Wis., in place of J. H. Kaiser, jr., resigned.

Clarence J. Fleweger to be postmaster at Kimberly, Wis., in place of W. H. Fleweger, deceased.

Gerrit J. Vredevelde to be postmaster at Friesland, Wis. Office became presidential July 1, 1926.

Anna J. Johnson to be postmaster at Fairwater, Wis. Office became presidential July 1, 1926.

Annie E. Nelson to be postmaster at Dresser Junction, Wis. Office became presidential July 1, 1926.

Joseph W. Jacobson to be postmaster at Dane, Wis. Office became presidential October 1, 1924.

Paul Mlodzik to be postmaster at Cudahy, Wis., in place of M. J. Heffron, removed.

Imogene Croghan to be postmaster at Cascade, Wis. Office became presidential July 1, 1926.

Peter E. Korb to be postmaster at Boyd, Wis., in place of C. A. Nelson, removed.

Ora C. Thompson to be postmaster at Argyle, Wis., in place of F. C. Muenich, resigned.

Hall L. Brooks to be postmaster at Tomahawk, Wis., in place of H. L. Brooks. Incumbent's commission expired September 22, 1926.

Louis C. Currier to be postmaster at Stoughton, Wis., in place of O. S. Torgeson. Incumbent's commission expired February 15, 1926.

Herman Graskamp to be postmaster at Oostburg, Wis., in place of John Theune. Incumbent's commission expired October 3, 1925.

Charles S. Brent to be postmaster at Oconomowoc, Wis., in place of C. S. Brent. Incumbent's commission expired August 14, 1926.

Edward V. Snider to be postmaster at Mosinee, Wis., in place of B. S. Burnett. Incumbent's commission expired March 7, 1926.

Ethel F. Pilgrim to be postmaster at Menomonee Falls, Wis., in place of H. W. Graser. Incumbent's commission expired April 7, 1926.

William Kotvis to be postmaster at Hillsboro, Wis., in place of William Kotvis. Incumbent's commission expired August 12, 1926.

Otto C. Nienas to be postmaster at Camp Douglas, Wis., in place of O. C. Nienas. Incumbent's commission expired August 12, 1926.

Lyle H. Nolop to be postmaster at Alma Center, Wis., in place of L. H. Nolop. Incumbent's commission expired July 26, 1926.

#### CONFIRMATIONS

*Executive nominations confirmed by the Senate January 4, 1927*

##### COMMISSIONER OF IMMIGRATION

John P. Johnson to be commissioner, port of Boston, Mass.

##### UNITED STATES ATTORNEYS

Lindsay B. Phillips to be attorney for the western district of Tennessee.

Stanley M. Ryan to be attorney for the western district of Wisconsin.

##### UNITED STATES MARSHAL

Andrew J. Russell to be marshal for the western district of Arkansas.

##### JUDGE OF MUNICIPAL COURT OF THE DISTRICT OF COLUMBIA

George C. Aukam to be judge of the municipal court, District of Columbia.

##### PROMOTIONS IN THE NAVY

###### To be commanders

Harold T. Smith.  
Mark L. Hersey.

###### To be lieutenant commanders

William M. Fechteler.  
Charles A. Baker.  
Byron S. Dague.  
Alfred P. H. Tawresey.  
John H. Buchanan.  
Herman A. Spanagel.  
Joseph R. Redman.  
Theodore D. Westfall.  
Theodore D. Ruddock.  
William K. Harrill.  
Alfred H. Balsley.  
William E. Malloy.  
Greene W. Dugger, jr.  
John M. Creighton.  
Charles D. Swain.  
Edmund W. Burrough.  
Albert H. Rooks.  
Byron B. Ralston.  
Thomas N. Vinson.  
Herbert J. Ray.  
John G. Moyer.

Archibald N. Offley.  
Richard L. Conolly.  
William A. Corn.  
Thomas L. Nash.  
Edwin T. Short.  
John B. W. Waller.  
Thomas J. Doyle, jr.  
Alexander R. Early.  
Vincent A. Clarke, jr.  
Kemp C. Christian.  
Benjamin F. Perry.  
Richard W. Bates.  
James M. Shoemaker.  
Gerard H. Wood.  
Melville C. Partello.  
Robert O. Glover.  
Archie E. Glann.  
Edward E. Hazlett, jr.  
John C. Lusk.  
George P. Lamont.

###### To be lieutenants

Kenneth C. Caldwell.  
Marshall A. Anderson.  
Elmer S. Stoker.  
John B. Lyon.  
Campbell Cleave.  
William E. Miller.  
Charles M. Abson.  
James H. Doyle.  
Harry E. Padley.  
Neill D. Brantly.  
Charles D. Murphey.  
Elmer F. Helmkamp.  
William P. Hepburn.  
Jim T. Acree.  
Charles L. Surran.  
George B. Cunningham.  
Solomon S. Isquith.  
Edwin C. Bain.  
Norman S. Ives.  
Bailey Connelly.  
Edward H. Doolin.  
William Hibbs.  
Marvin H. Grove.  
Gyle D. Conrad.  
Clayton S. Isgrig.  
Philip R. Kinney.

John A. McDonnell.  
James A. Crocker.  
Harold Coldwell.  
Paul R. Sterling.  
Benjamin N. Ward.  
Ferguson B. Bryan.  
William G. Livingstone.  
Frederick R. Buse.  
Charles L. Hutton.  
Allan D. Blackledge.  
Thomas H. Binford.  
Thomas T. Craven.  
Perley E. Pendleton.  
Walton W. Smith.  
Richard P. Glass.  
Hance C. Hamilton.  
John V. McElduff.  
Khem W. Palmer.  
David A. Hughes.  
Hilyer F. Gearing.  
William Butler, jr.  
Jesse G. Johnson.  
Joseph J. Rochefort.  
Andrew T. Lamore.  
Arthur S. Billings.  
Frank A. Davis.

###### To be lieutenant (junior grade)

Peter W. Haas, jr.

###### To be dental surgeons

Eugene LeR. Walter. Walter Rehrauer.  
Eric G. Hoylman. Harry L. Kalen.  
Andrew L. Burleigh. Philip H. MacInnis.  
Joseph A. Kelly.

###### To be pay director

William L. F. Simonpietri.

###### To be passed assistant paymasters

William S. Cooper.  
Christian P. Schwarz.  
John N. Silke.

###### To be naval constructors

Russell S. Hitchcock. Douglas W. Coe.  
Arthur C. Miles. Norborne L. Rawlings.  
Sidney E. Dudley. Homer N. Wallin.  
Grover C. Klein. Joseph W. Fowler.  
Frederick E. Haeberle. William J. Malone.  
Edmund E. Brady, jr. Lawrence B. Richardson.  
Andrew I. McKee. Ralph S. McDowell.  
Henry R. Oster. John D. Crecca.  
Theodore L. Schumacher. William C. Wade.

###### To be civil engineers

Fritz C. Nyland. Andrew G. Bisset.  
Ira P. Griffen. Theron A. Hartung.  
Lewis N. Moeller. Herbert S. Bear.  
Carl H. Cotter.

###### To be chief gunners

Michael J. Jones. William M. Coles.

###### To be chief machinist

John R. Rayhart.

###### To be chief pay clerks

Joseph L. Formans.  
Charles A. Young.

##### POSTMASTERS

###### CALIFORNIA

Frederick Weik, Glendora.

###### PENNSYLVANIA

George Nuckid, Lyndora.  
Stephen J. Downs, Union City.

##### WITHDRAWAL

*Executive nomination withdrawn from the Senate January 4, 1927*

##### POSTMASTER

###### FLORIDA

William L. Clarke, jr., to be postmaster at Naples in the State of Florida.

## HOUSE OF REPRESENTATIVES

TUESDAY, January 4, 1927

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our heavenly Father, Thy love is infinitely broader than the measure of man's mind; and how much we thank Thee, blessed Lord, that we are still within the shadow of Thy care. To-day is another blessing for each of us, and may good thoughts and wise words be the issues of our lives. Enlarge the range of our understanding and give us a deep concern for the things which are related to our country's welfare. In Thy light may we see light and strive for the highest good. Do Thou bless and direct the Members of this Chamber that they may honor the land which has honored them. In every way may we labor for the best possible results by being the best possible men. For Thy name's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

##### SOBRIETY OF MEMBERS OF CONGRESS

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to address the House for five minutes.



The SPEAKER. The gentleman from Massachusetts asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. UNDERHILL. Mr. Speaker, in the debate of yesterday the statement was made by one of the Members from New York that "many Members of Congress drink to excess." I suppose he referred to intoxicating liquor. It does not appear in the RECORD in that language. The RECORD can be corrected or changed, but it does appear in the columns of the press and will probably be reported all over this Nation in the language as quoted. That statement is not only a reflection upon every Member of Congress but is an indictment of every Member of Congress.

In the few moments I have I want to briefly give my experience since I have been a Member of the House in as calm a manner as my indignation will permit. I have been a Member of this body for six years. During that time I have been a constant attendant upon the meetings of the House. I have never seen but one Member on the floor of this Chamber under the influence of liquor and he only served one term. He was defeated for reelection. I have never in the corridors of the House Office Building seen but four other Members of this body under the influence of liquor. Two of those men are dead and the other two are not Members of the present body. I have lived during those six years at a hotel where an average each year of 100 Members of Congress make their abode during the session, and there day or night—and sometimes I am up rather late at night—I have never seen one single Member of Congress enter the doors of that hotel or leave the doors of that hotel under the influence of liquor.

I probably know as many Members of this body as any Member of Congress. Most of them I can call by their first name, and I count them all friends of mine. I have been the guest of many of them in their homes and at private dinner parties. I have yet to see liquor served on any of those occasions. I do not believe there is another body of 435 men, drawn from all walks of life, who indulge less in intoxicating liquors than the Members of this House. [Applause.] Even the comparative few who advocate a change in the Volstead law are not men who drink to excess or become intoxicated. No matter how enthusiastic those men may have been with reference to the principle involved or their opposition to the act I have never seen them in any way, shape, or manner under the influence of intoxicants.

Now, Mr. Speaker, we can not prevent the paragraphers of the press, we can not prevent the cheap comedian on the stage, we can not prevent the so-called humorist from casting aspersions and reflections upon this representative body, but each and every one of us can be jealous not only of our own reputation but of the reputations of our colleagues and of the people whom we represent. We can refrain from making such statements, and we can refute such statements as were made on the floor of this House yesterday.

I have not indulged in any of the controversies with reference to the benefits or the evils which have come to us from the eighteenth amendment. I try to live as I vote, and I believe the majority of the Members of this House do likewise. There are enough sins of omission and commission by Congress which may be severely criticized. If predicated upon fact and not upon fiction, no one will welcome or justify such criticisms sooner than I, but I want to spread upon the records of this House—and I trust the newspapers will give as much prominence to this statement as they have to the other one—that that statement made yesterday is an absolute and unqualified falsehood. [Applause.]

#### MALADMINISTRATION OF INDIAN BUREAU

Mr. FREAR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of Indian welfare.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD on the subject of Indian welfare. Is there objection?

There was no objection.

Mr. FREAR. Mr. Speaker, on several occasions I have discussed before the House many instances of gross injustice perpetrated on the American Indian under existing maladministration by the Indian Bureau. Many of these Indians are of a high order of intelligence and education. Due to their splendid patriotism during the World War, when thousands enlisted in the American Army and fought at the side of their white brothers under the same flag, Congress gave to all American Indians full rights of citizenship. Under the law such rights belong to them to-day.

In different speeches I have pointed out specific charges of mistreatment of the Indians through bureaucratic despotism found nowhere else in the world. These facts, rarely denied or explained, were presented by me for the purpose of securing a congressional investigation that will investigate actual conditions now prevailing among the Indians and obtain a constructive legislative program for Indian development to displace 70 years of hopeless Indian Bureau control.

The only serious offense lodged against the American Indian of to-day must be an offense of color, for no white man, black man, brown man, or yellow man in this country is subjected to the same control of person and property exercised over 225,000 Indians by the Indian Bureau. Indian property reported by the bureau to be valued at \$1,600,000,000 is absolutely controlled and managed by this despotic bureau without right of court review or of any of the constitutional rights possessed by all other American citizens. This is based on a strange despotically administered practice wherein all such Indians are declared "incompetent" by the bureau and while so held are unable to care for their property.

Without right to have their "competency" reviewed by any court or the administration of their property reviewed by any court these 225,000 Indians are completely helpless and deprived of constitutional rights and privileges enjoyed by all other citizens. Not in far-away Russia, India, or China but in 22 States of this country are such conditions found.

More serious than any property rights unjustly taken from these American citizens, the Indian Bureau, through its agents and \$10-a-month Indian "judges" appointed by the agents, illegally and despotically, without warrant of law, arrests and imprisonments, sometimes with ball and chain, Indians who are deprived of rights of attorney, jury, bail, appeal to any court, or constitutional privileges possessed and exercised by every other American citizen. Such instances I have heretofore described to the House.

#### HIGHWAY ROBBERY APPROVED BY THE INDIAN BUREAU

Specific charges of "highway robbery" of different Indian tribes have been placed before the House in cases where I now have personal knowledge of the facts, and I point out, among others, the \$100,000 Navajo Indian Tribe reimbursable charge for a white-tourist bridge, of no possible value to Indians, that was urged through Congress by the Indian Bureau. Equally indefensible charges have been made against the Pima and San Juan Indians, involving in these three recent cases alone with proposed highways upward of a million dollars, which are indefensible liens levied against these tribes that had no knowledge of the pendency of such legislation and were unrepresented before Congress, excepting by the Indian Bureau. "Highway robbery" of Indians is a term used in debate by Senators when discussing the Navajo bridge fraud. It is equally descriptive of other frauds on Indians to which I shall refer.

Neglect of health, startling mortality conditions among certain Indian tribes that frequently are alleged to be without sufficient food to sustain life, are among charges made that have not been answered or explained by the present Indian Bureau. A congressional investigation alone can develop facts that ought to be known by Congress and given to the country, with constructive proposals looking to the betterment of the American Indian.

#### A "RESEARCH COMMITTEE" APPOINTED BY THOSE TO BE INVESTIGATED

Smarting under criticisms and endeavoring to cover up a long record of Indian mistreatment, the Indian Bureau under Commissioner Burke has persuaded Secretary Work to name a "research committee" to investigate the bureau. Secretary Work's own course in recommending the Navajo Bridge to Congress shows his own ignorance of bureau methods or, if known, a consent that deserves equal condemnation to that merited by the despotic Indian Bureau.

Any committee so named by him under the guidance of Indian Bureau officials, from the commissioner to his army of reservation agents and employees, will be steered past the neglect and mistreatment found among many tribes and will be shown beautiful bridges, beautiful highways, beautiful nonresident Indian schools, and tables of beautiful bureau statistics that have in their shadows a story of neglect and oppression not to be whitewashed by any fairly selected congressional committee. Such a committee from Congress Commissioner Burke fears will be "partisan." If partisan sufficiently to give the American Indians a fair deal and reveal the present despotic system of illegal, unjust, and neglectful Indian Bureau control, then such "partisanship" should be welcomed.

Again, I repeat that in no civilized country the world over is an intelligent, moral, and exceptionally well-behaved people kept in such absolute subjection of person and property as are

our American Indians. Neither has autocracy ever measured up to the present unchallenged control of our Indian citizens exercised by the Indian Bureau, aided by its army of employees and, not to be forgotten, its \$10-per-month Indian judges.

#### SPECIFIC CHARGES OF MALFEASANCE BY THE INDIAN BUREAU

Charges definite and certain were made in speeches of February 4, March 4 and 23, and April 23 of gross malfeasance on the part of Indian Bureau officials, and an investigation by Congress asked for to get the facts, and to secure some constructive legislation for the benefit of a large army of the Nation's Indian wards who have been given their citizenship by Congress. In these speeches, with affidavits and facts presented, I have tried as far as possible to avoid needless duplication.

At the beginning of the Sixty-ninth Congress I was informed by Republican Leader TILSON that my experience in Congress should be useful in helping to improve the Government's treatment of Indians and that I was given an assignment on the Indian Committee for that reason. This assignment was made without prior knowledge or request on my part.

Believing that the assignment called for real service, and that such was the purpose of the transfer, I have given some study to the subject of Indian welfare, consulting works of former Indian commissioners, and whatever investigations or other reports were available. Needless to say I have had no personal prejudices and no purpose at any time to misrepresent the person or the administration of Indian Commissioner Burke or any of his subordinates, or of his superior, Secretary of the Interior, Doctor Work. On the other hand, I have not hesitated to expose conditions concerning Indian affairs exactly as found, although some official might thereby be called upon to explain neglect or misconduct of the Indian Bureau's administration.

Without any request for the committee assignment, as stated, I have carried out my duties on the Indian Committee as I conceived them to be. Possibly this statement is needless to make, because Commissioner Burke in his "defense" before the Indian Committee very properly exonerated me from any purpose to misrepresent, and further said he had no quarrel with me, whom he termed his friend and former colleague. That spirit is reciprocal. My work has been entirely impersonal; and if in an effort to disclose intolerable conditions among the Indians I reflect upon the Indian Bureau or any official, it is immaterial to me whether the fault lies with Commissioner Burke, his assistant Mr. Meritt, or any other subordinate, or with Secretary Work, his superior, or whether it is due to some predecessor, for I will not willingly misstate any matter. On the other hand, I will give what I believe to be the facts, whether they reflect upon the Indian Bureau or upon Congress that, through ill-considered laws, allow such things to exist.

A statement recently given to the press by Secretary Work, "approved by Indian Commissioner Burke," says that Doctor Work has appointed another "commission of investigation" to study charges against the Indian Bureau, which commission will report next year. If I believed that commission or any other commission of like character so appointed would accomplish anything, or that the indescribable helplessness of the Indians would be relieved by this bureau investigation of its own affairs or by any similar body, I would await results. No one experienced in such matters will place any confidence in such an investigation.

From past experience I submit that it is only a temporary makeshift to allay deserved criticism of bureau neglect and that no needed relief for the Indians nor genuine reform in treatment of these wards of the Government can ever come about through such investigations by the Indian Bureau or by the Department of the Interior or by any agency appointed or recommended by either. No good reason, I submit, exists for opposition by the bureau to a congressional investigation excepting a fear of having its maladministration exposed.

#### OTHER COMMITTEES UNDER LIKE APPOINTMENTS

When Secretary Work was first appointed Secretary he appointed a committee of 100 to study Indian matters because of serious criticisms then made against the Indian Bureau. The commission, composed of estimable men, gave the kind of investigation that might be expected, although it is of record that specific health recommendations were urged. Neither Secretary Work nor Commissioner Burke nor their subordinates have alleviated the health conditions of the Indians as recommended, nor have recommendations of the committee to that end been followed with legislation.

I submit it is the height of folly to have another investigation by the bureau of itself. Any investigation to be of value must come from Congress, and such an investigation I called for last session, setting forth charges of maladministration in the Indian Office that then required and now invite a congressional

investigation. Such an investigation would properly conclude with a constructive program for the betterment of the Indians—a program that never will be accepted voluntarily by any bureau which primarily seeks to perpetuate itself.

I learned upon my first visit to the Indian Committee of the House that before any bill affecting Indians was taken up by the committee for consideration it was first sent to the Indian Bureau for its approval and that the report which came back to the committee, signed by Secretary Work, generally determined the fate of the bill. Only one bill opposed by the Indian Bureau was passed by the House committee out of the first 35 bills last session reported by that committee. In the Senate the bureau locked horns over that single bill. The statements of Meritt, recently made before California audiences, may be construed fairly as an ultimatum that no legislation disapproved by the czarlike Indian Bureau will be passed by Congress.

#### THE INDIAN BUREAU'S CONTROL OF LEGISLATION

Out of several bills that I introduced that would have given Indians or the courts of the country some slight control over Indian property, all without exception were rejected by the Indian Bureau, and none ever reached the stage of consideration by the House. Members of the House or Senate will do well to act with circumspection on Indian matters and not offend the Indian Bureau if they have bills to propose for the relief of Indians in their States. That preposterous situation I learn has long existed. I am again presenting facts that, if true, should cause every American, as a matter of self-respect, to demand a new deal for the only real American whose numbers have been decreased through disease, starvation, and long-continued neglect. Those for whom the Government is accountable in all the States, to the number of 225,000, should be given the protection that is their due. When making his reply to my charges of bureau inefficiency, neglect, and illegal acts, Commissioner Burke said to the committee, on April 10 last, on page 7 of the hearings:

I want at the outset to exonerate Mr. FREAR from having possibly made some misleading statements, and statements that are inaccurate, and perhaps not true, because it is very apparent that he has made no study of the subject. \* \* \*

After three hours uninterrupted attempted "defense" by Indian Commissioner Burke before the Indian Affairs Committee, and the refusal of the committee to give Secretary Collier, of the Indian Defense Association, any right to reply, I reiterated in the House that Mr. Burke's Indian Bureau defense was practically a case of confession and avoidance and that he admitted some of the most important charges, and by his silence and failure to deny had admitted certain other charges of malfeasance laid against the Indian Bureau.

#### PERSONAL KNOWLEDGE OF INDIAN BUREAU INJUSTICE

The statement made by Indian Commissioner Burke last session that I was without personal knowledge of Indians or of the field work of the Indian Bureau was fairly well taken at the time, as is the statement of an attorney that the opposing counsel is without personal knowledge of a case under consideration, excepting as it may come to him from reputable witnesses. However, I accepted the criticism as fairly made that I was not personally a qualified witness to speak of some of the facts set forth in my charges. To meet that criticism, between September 12 and October 22 last, I drove 4,480 miles in an automobile, visiting some 20 Indian reservations, consulting with many Indian Bureau employees and with hundreds of Indians. In one council meeting of several that were held I met about 75 Indian duly selected delegates representing over 8,000 Indians. At Taos and at Zuni, and other places, I talked through interpreters with smaller councils, and in the fairly extended travels mentioned I discussed Indian conditions also with many white persons, who were neither connected with the Indian Bureau nor with any Indian tribes nor with any Indian Defense Associations.

I tried to get the facts, and the facts are bad enough without coloring. Only a few of these facts that deserve careful probe by a competent committee can be presented here.

Throughout this trip, made in company with John Collier, secretary of the American Indian Defense Association, I paid my own personal expenses, whether traveling by car or train. This statement is volunteered at the outset in order to explain a freedom from obligation to anyone and that I did not use the funds of any Indian association or any other organization for my personal needs. These organizations, composed of splendid men and women throughout the West, are interested in Indian welfare, through knowledge of injustice practiced toward the Indians that in some cases has reached appalling conditions



because of disease and neglect. Of hundreds whom I met in the various cities or other communities of the West connected with such organizations many had personal knowledge of the facts through their own visits among the different tribes. To evidence the high character of the membership I quote from a statement previously made to the House a few names of those connected as responsible members of its board of directors with one Indian defense society:

Dr. Haven Emerson, New York City (professor of public health administration, Columbia University); Irving Bacheller, New York City (novelist); Robert E. Ely (director of the Town Hall, New York City); Mrs. H. A. Atwood, Riverside, Calif. (chairman Indian welfare division, General Federation of Women's Clubs); William Allen White, Emporia, Kans. (editor); James Ford (professor, social ethics department, Harvard University, Cambridge, Mass.); Elizabeth Shepley Sergeant, New York City (author and authority on Indians); Charles F. Lummis, Los Angeles, Calif. (author and authority on Indians); Rev. E. P. Wheeler, Aurora, Ill. (40 years a missionary among the Indians); William Kent, Kentfield, Calif. (former Congressman); Dr. Aurelia H. Reinhardt (president Mills College, Calif.); Stewart Edward White, San Francisco, Calif. (author); Dr. Walter M. Dickie, Berkeley, Calif. (secretary California Board of Health); Dr. William Palmer Lucas (professor pediatrics, University of California); Edyth Tate Thompson, Fresno, Calif. (secretary California Tuberculosis Association); Dr. John R. Haynes (regent, University of California; member Los Angeles Public Service Commission); Dr. Henry J. Ullman (president American Legion, Santa Barbara, Calif.); Mrs. Mary Austin, Santa Fe (author); James W. Young, Chicago; Fred M. Stejn, New York City; Gertrude Bonnin, Washington (president National Association of American Indians); Jay B. Nash (professor, school of education, New York University); Walter V. Woehlke, Ross, Calif.; Mrs. Frank A. Gibson, Los Angeles; Mary J. Workman, Los Angeles, Calif.; Rev. Father Robert Lucey, Los Angeles, and Raymond K. Armsby, Burlingame, Calif.

The national advisory board of the association includes Rev. John A. Ryan, D. D., George Haven Putman, Henry W. Taft, Adolph Lewisohn, Dr. John H. Finley, Dan C. Beard, George Foster Peabody, Right Rev. Monsignor J. P. Chidwick, and the Right Rev. W. C. Manning.

Many of these people, including Secretary Collier, have lived among the Indians, know their conditions, and enjoy their confidence.

From personal acquaintance with many of those I met in Western States I am certain their interest in the American Indian has been of great value to the Indians and to a limited extent has exposed and opposed successfully legislation approved by the Indian Bureau which was calculated to bring injury to these wards of the Government.

#### ADVERSE CRITICISM WHEN OF SERVICE

Let me further say that on my trip of nearly 4,500 miles by automobile I found Indian Bureau employees, including agents, physicians, and nurses, who talked freely when assured their names would not be used, and some of the most important facts learned came from such sources. Thanks to Indian Commissioner Burke's speech before the Indian Committee that had been circulated throughout all Indian reservations, it served a useful purpose, due to its personal criticisms of myself and Secretary Collier, for the bureau employees knew we were in no way connected with the bureau's purposes or policies and that they were in no danger of being transferred with their families to distant reservations or of losing their retirement-fund rights if the actual facts and their sympathies were made known to us. Two or three agents were noticeably hostile, and one of the latter declared every Indian was worthless and undeserving of sympathy. Before I could inquire on what facts he based that judgment he added that, in his opinion, about all the whites were equally worthless. This agent, however, was not as bad as he wished to appear, for he thawed out before I left and told me of several praiseworthy things he, the agent, had done for the Indians.

Charges against Indian bureaucracy and the lack of any Indian welfare constructive policy were, however, found nearly everywhere we visited, with concessions occasionally grudgingly made by bureau officials to meet specific criticisms which had exposed indefensible conditions.

Based on my trip irrespective of personal study of reports and other investigations I am prepared to say that I believe every charge contained in my former request for an investigation is substantially accurate even though previously made in part from outside information. If Indian Commissioner Burke and Mr. Meritt had not inferentially admitted some of the charges and by their silence as to others impliedly admitted the truth of official malfeasance, the facts I have

studied in the field are such that I reiterate every charge I have made and offer to furnish witnesses in many cases who are familiar with the facts.

#### CHARGES HERETOFORE MADE NOT AGAIN SET FORTH IN DETAIL

In my request last spring for an investigation of the Indian Bureau I made a dozen or more specific charges. In order to present these and other charges against the Indian Bureau in chronological order let me say that on February 4, last, I made direct charges in the House of specific misrepresentation to Congress by the Indian Bureau and malfeasance in the Indian Office affecting a \$100,000 reimbursable charge against the Navajo Tribe last session, recommended by Secretary Work, on the advice presumably of Commissioner Burke. That charge I am prepared to say was, if anything, an understatement of the situation. The facts are hardly believable but I am ready to bring many witnesses, whites or Indians, who will support Senator CAMERON's assertion in debate that the bridge charge is "highway robbery" of the Indians and also Senator BRATTON's equally specific charge that the action of the Indian Bureau in this case was "iniquitous." Not one reputable witness, I predict, will deny this indictment of the Indian Bureau's highway robbery of this tribe and of the bureau's misstatement of facts to Congress when the bill was passed.

On March 4 I made in the House additional charges that without any law or justification therefor the Indian Bureau, through its agents, for years had jailed Indians, sometimes for misdemeanors and occasionally with ball and chain punishment. Such jailing was without any legal trial, without attorney, without right to jury, without any rights to bail or appeal to the courts, and against the protection to which these Indian citizens are entitled under the Constitution. That charge was supported by several Indians then in Washington.

On March 23 I made equally specific charges against the Indian Bureau for its attempt to force through Congress an oil leasing bill on Indian lands so unjust and unprecedented and against all Indian rights that on a mere statement of facts the bureau withdrew its efforts to press the 37½ per cent Indian tax provision that unjustly had previously passed both Houses of Congress or any opposition to a just bill that eventually passed both Houses but was vetoed by the President—not because of any lack of protection given to the Indians but because of demands of other outside oil interests to be included in the bill.

#### MISLEADING INDIAN BUREAU STATISTICS

Commissioner Burke has stated that \$90,000,000 in money or securities and \$1,600,000,000 in property belonging to 225,000 Indians is held under the control of the Indian Bureau, notwithstanding all adult Indians are full-fledged American citizens, made such by act of Congress. This property, of course, is unequally distributed and thousands of so-called incompetent Indians are not far removed from starvation and are without any property of material value from which to make a livelihood. During the past century most of the Indian tribes have been pushed back into the mountains or onto desert land where no white man could exist and where in many cases Indians have been robbed of their prior water rights, necessary to any use of the land.

When oil, minerals, or even exceptional building stone has been discovered in rare instances on Indian lands the watchful white man has immediately been in readiness to dispossess the Indian where possible to do so, and bureau agents have often recommended such dispossession.

The Secretary of the Interior occupies the anomalous position of being the head of the Bureau of Public Lands and of the Indian Bureau and also of the National Park Service. As such head of the General Land Office, Secretary of the Interior Fall sought to take from the Indians all oil and mineral rights contained in 22,000,000 acres of Executive-order Indian reservations. In so doing, he endeavored to take away from the Indians, of whose property and persons he was primarily the guardian, all oil and mineral rights from two-thirds of their lands.

The Park Director is desirous of enlarging the national-park area and is constantly urging that Indian lands adjoining national parks, if usable for park purposes, shall be detached and taken from the Indian and that approaches to parks across Indian lands be made at their expense. His demands are made upon the Secretary of the Interior, who is by law also the official guardian of our Indian wards.

Between these two insistent factors always in Washington and on the ground the Indian has no voice or influence excepting through the Indian Bureau and often it occurs that the Indian Bureau joins hands with either one or the other bureaus engaged in robbing these wards of the Government. For years these Indians have been kept helpless, and they are, under ex-

isting conditions, to be kept helpless to the end of time for the self-perpetuation of the Indian Bureau.

#### NO DECREASE IN "INCOMPETENT" INDIANS UNDER BURKE

In September, 1917, or seven years ago, Indian Commissioner Sells testified before a House investigation committee that 220,000 "incompetent" Indians were under his care, although 9,000 others had been declared competent within the five or six preceding years. Commissioner Sells also stated that the "competency commission" then consisted of the local Indian agent, a second man known as a special agent or official of the Indian Bureau, and a third man appointed by the Secretary of the Interior. These three men acted under the Indian Commissioner, who had the power to move or remove two of them at his pleasure. Six years thereafter the number of restricted Indians had increased to 225,000, instead of decreasing, as the Indian Office now states. During one year, from 1924 to 1925, the Indian property of these "incompetents" increased over \$600,000,000, or more than 50 per cent increase, during 1925, according to bureau statistics.

The fallacy is equally apparent of the bureau's argument as to per capita wealth of the American Indian. Such Indian wealth is largely composed of a few oil wells belonging to certain Indians; of millions of acres of desert or unproductive lands that no white man will live on or use; of timberlands in some cases where the tribe's timber, without their approval or consent, is being wiped out with negro labor, as in the case of the Apaches, not primarily for the benefit of the Indians but to help support the Indian Bureau, with a loss in timber supply as wasteful and improvident as the loss of our northern pineries; and lastly, the Indian Bureau's case of per capita wealth may be exposed by its own statistics to be little value unless verified. The 225,000 incompetent Indians are credited with a total wealth in 1924 of \$1,052,849,047, and in 1926 that enormous paper total is reported to have increased to \$1,656,046,550, or over 50 per cent in one year. Indian wealth, like Indian census figures and Indian health statistics, should be subjected to close scrutiny.

#### WHO OWNS THE INDIANS' "WEALTH"?

Practically the entire increase in wealth claimed by the Indian Bureau is from oil wells in a limited district and wealth that belongs to a small fraction of the total number of Indians. Not 5 per cent of the total number of Indians probably have reaped any benefit, direct or indirect, from the oil wells, yet the camouflage proposition of wealth per capita is made to cover starving Indians from Fort Peck Reservation, on the Canadian border, to the Pimas, 2,000 miles distant in Arizona.

The discovery of oil in Oklahoma is of no more value to the Fort Peck or Hopi or Plutes or Pimas or Klamaths than the wealth of the Czar's family was to the Russian serf. A \$56,000,000 diamond crown for the Czar or a \$1,100,000 Jackson Barnett fortune made in Oklahoma oil divided by Commissioner Burke between a mission and a kidnapping wife, with extras to Attorneys McGuggan and Mott and others, by no possibility can add one farthing to the wealth of the poverty-stricken California Indians or to 95 per cent of nearly 200 other tribes that have no more interest in nor right to any Oklahoma Indians' oil wealth than they have to the diamonds in the Czar's crown.

A bare statement of the case illustrates the specious, almost childlike, wealth argument characteristic of Indian Bureau methods of news releases when estimating increases of Indian property, increase in population, health statistics, and other claims all sadly in need of authentic confirmation. Needless to say I have no interest to serve other than that of the Indians whom I believe to be grossly mistreated and misgoverned under the present system. My statements at variance with the bureau's showing are based on what I believe to be more reliable information than that gained through bureau "statistics." They are offered primarily to induce Congress either in the House or preferably in the Senate where investigations are more easily had, and possibly more thorough, to give this subject of Indian misgovernment, for which Congress is primarily responsible, the study, investigation, and legislation it imperatively needs. Statements by bureau officials of increase in Indian population are specious and misleading as will be readily seen in an analysis that I shall offer later in my remarks. Conceding, however, for the sake of argument, that an element of truth exists in either case, the charges of specific misuse of property and of Indian persons repeatedly made have not been answered. That is an issue that requires real investigation.

#### RESULTS OF INDIAN BUREAU CONTROL

One purpose in traveling through these reservations was to study present methods of Indian control, and I submit that the progress in constructive help since the days of the first commissioner, Elbert Herrling, in 1832, down to date, covering

nearly a century, would make a turtle's pace a real marathon race by comparison.

This is not accidental, for \$1,600,000,000, the bureau Indian property estimate, is a nice, juicy plum to control, and \$90,000,000 in securities a fine sum of money to handle where no responsibility exists for interest or investments and where no board of directors can meddle and no judge can interfere as in other cases of trusteeship or guardianship. Yet starving Indians are with us to-day, if sworn statements and reports from authentic sources are to be believed.

I shall not attempt to cover any considerable portion of complaints received against the Indian Bureau system, complaints that go back for 70 years against a bureau that is petrified or ossified and directly responsible for conditions among the Indians of to-day. Often the bureau has openly joined with white plunderers in despoiling the Indian. I am prepared to submit evidence which must carry conviction to any unprejudiced mind that this is practiced to-day. Near the outset of my 4,500 mile trip, which began in Montana, I met delegations from Fort Peck, Flathead, and other tribes, including five Indians who drove a Chevrolet car 500 miles, day and night, to lay before me and others their charge that the Fort Peck Indians living near the Canadian border were close to starvation. Later on our trip I had reason to believe other tribes were living on half rations or less and because of no fault on their part, but due to mismanagement and mistreatment from the Indian Bureau.

#### STARVING INDIANS ONCE ATE DOGS AND HORSES—LITTLE FOOD NOW

I asked one of the Fort Peck Indians, who impressed me with his intelligence, honesty, and straightforwardness, to send a sworn statement of conditions on that reservation. This he has done, and as late as December 28, 1926, he swears to a state of facts on his reservation that in itself should start a congressional investigation. If we can get exercised over starving poor in China and Armenia, where we have no direct responsibility for conditions, what will be said of our direct responsibility for many tribes of Indians among whom poverty like that set forth in this affidavit is common to all members of the tribe? The affidavit just received is as follows:

#### STATE OF MONTANA,

##### County of Roosevelt, ss:

Martin Mitchell, being first duly sworn, on oath deposes and says: I am now 57 years of age, a member of the Fort Peck Assinibolne Tribe, born in Montana, and reside in the city of Wolf Point, Mont.

If we are poor to-day, it is not our fault; it is the Indian Bureau's fault. If the Indian Bureau left us alone we would be better off.

In about 1880 these Indians (Assinibolnes) were about 2,000 in number, but to-day they are a little over 600. In about 1881 the Indian Bureau gave orders to kill off all the buffalo; before the buffalo were killed the Indians were all strong and healthy and no disease among them. After the buffalo were all killed I remember the Indian agent told the Indians, "Now your buffaloes are all killed and gone, and now you have to stay here on the reservation, and we are going to feed you," and that winter it was a hard winter; the Indians were starving. They gave us rations once a week—just enough to last one day—and the Indians they started to eat their pet dogs; after they ate all their dogs up they started to eat their ponies. All this time the Indian Bureau had a warehouse full of grub; they stationed seven Indian policemen at the door so the Indians could not get at the food; this all happened in the winter of 1883 and 1884. Some of the Indians—their whole families starved to death. Early that spring I saw the dead bodies of the Indians wrapped in blankets and piled up like cordwood in the village of Wolf Point, and the other Indians were so weak they could not bury their dead. What were left were nothing but skeletons. I think the Indian Bureau should have been prosecuted for murder or manslaughter at that time. That was the hardest time endured by the Assinibolne Indians since coming on this reservation. Now I think we are about to go through the same thing.

About a year after our hard times the Government issued a cow to each of them; it was no time when every one of us had a nice bunch of cattle. Every fall we used to ship a trainload of cattle to the markets in Chicago. We were happy, we had plenty, we had nothing to worry about. But this did not look good to the Indian Bureau; they leased our reservation to a big cattle company against our will and protest. In one year after that we were broke. We were flat broke again. Then we sold a gravel pit to the railway company and we got \$2,000. Then we bought sheep with that money; 400 ewes, tribal herd. We all pitched in and built sheds and put up the hay. Our intentions were when we got about 5,000 head we were going to divide up among the Indians and go into sheep business; that was our intentions. When we got about 2,000 head, the Indian Bureau sold them all, and then they bought us some poor heifers and we got one apiece; now we started in the cattle business; it was not long when we had a bunch of cattle, every one of us; we were happy again. Then the Indian Bureau leased our reservation to a big cattle



outfit again and in one year we were all flat broke. So we do not know what to do now if the Indian Bureau does things against our will and keeps us broke all the time.

The way it looks to me we could be better off a hundred times without the Indian Bureau.

It just puzzles me how these Indians are going to pull through this winter; we had no crop and no hay; we had a per capita payment this month, \$50 apiece, but we were broke the next day. The traders were good enough to keep us from starving, and we gladly paid our bills. Of course we did not all get the \$50, because the Indian Bureau collected as much as they could for reimbursable loans. Now, we can't stand it much longer under the present administration. The Indian Bureau has got to change their system; they ought to reorganize it, and if they do, first thing they ought to call in all the Indian inspectors and pay them off. They are the ones who cause us all our troubles. They just go around whitewashing everything. The Government can't find out anything about the true conditions of the Indians from those sports. You must have special inspectors if you want to find out anything. Ever since I can remember there have been over a thousand inspectors visited us; only one, F. E. Leupp, did the right thing. He was sent by President Roosevelt.

If given opportunity, I will present more facts and evidence about the hardships the Indians would have to endure during this winter; that possibly some of them would starve to death, unless aid was extended to them.

I know this is going to be pretty tough on me for making this statement, but I must tell the truth and I don't care what they do to me; I want to save my people.

MARTIN MITCHELL.

Subscribed and sworn to before me this 28th day of December, A. D. 1926.

C. L. ROGERS,

Notary Public for the State of Montana.

Evidence of similar conditions among the Pimas, Klamaths, and other tribes, I am assured, can be furnished to any congressional investigating committee.

#### "HIGHWAY ROBBERY" OF INDIANS BY THE BUREAU

I have stated that the Indian Commissioner has approved legislative robbing of the Indians. I will not knowingly misstate any case and so give specific facts that from personal examination I now know to be true. Last session I protested in the House vigorously against the passage of the \$100,000 charge against the Navajo Indians for a bridge at Lees Ferry. Senators in debate then declared the charge to be "highway robbery" of the Indians. They were right, in my judgment, in use of that expression.

Secretary Work reported to Congress on this bridge that—

The bridge will furnish an important outlet for the Navajo Indians, facilitating their communication with the whites and assisting them in their progress to a more advanced civilization. In view of the fact that they will derive great benefit from the proposed bridge, estimated to equal the benefit which will be derived by the white settlers, it would be reasonable that the \$100,000 be made reimbursable to the United States and remain a charge upon the lands and funds of these Indians until paid.

It is no exaggeration to say that the statement quoted from the report, which I assume Secretary Work signed unknowingly, was absolutely false from beginning to end. The Indian Bureau could not have been innocent, when it not only violated its express duty to protect the Indians in their property rights but supported a successful effort to mislead Congress when robbing this defenseless tribe. No Indian was called to Washington to testify before any committee. Out of 34,000 Indians, the bureau saw to it that none came to tell Congress the truth.

Last session Senator CAMERON, Republican, of Arizona, called this act of the Indian Bureau "highway robbery." In company with Senator BRATTON, Democrat, of New Mexico, who called it "an iniquity," CAMERON and a handful of Senators held the bill up for many days, as I have heretofore stated, although the imperative importance of a great appropriation bill over other interests made its early passage necessary. All of these facts I set forth in speech of April 23.

Not one Senator in debate gave any reason for the \$100,000 bridge nor defended the brazen injustice to the Navajos that results from the reimbursable charge. Not one employee of the Indian Bureau, I submit, will offer any reasonable excuse for the successful effort to deceive Congress. I will not repeat evidence offered in my speeches in the House of February 4 and of April 23, wherein many witnesses were quoted against the bridge who had personal knowledge of the farcical saddling onto an Indian tribe of \$100,000 in order to help a white tourist concern. These statements were not and can not be successfully answered by the Indian Bureau. If the Indian Bureau would rob the Navajo Tribe of \$100,000 for a bridge, it would rob other Indians of a greater amount when given

opportunity. This has been done by the present Indian Bureau, as I am prepared to show, but first I wish to add some personal, definite knowledge of the character of the Lees Ferry Navajo Bridge fraud that was put through Congress by gross misrepresentation.

#### FACTS NOT PLACED BEFORE CONGRESS

This bridge is to be built across the Colorado River at the nearest point above the Grand Canyon where a bridge crossing is practicable. The point selected is approximately 75 miles or more above the Angel Trail, but due to the circuitous trail necessary to reach the ferry landing, the distance from what is known as the south rim to the north rim across the canyon by way of Lees Ferry or the proposed bridge is not far from 200 miles, about equally distant on both sides from the ferry. After driving in our car south through Utah I drove from the north rim of the canyon by the nearest route to Lees Ferry and crossed the rope ferry over to the south side of the Colorado and thence down to the nearest settlement, Tuba City. This distance in miles seems trivial, but with the car used we frequently drove 50 to 60 miles an hour on good roads. It took from early morning until about 8 p. m. to cover the distance across the ferry, because it was impossible to average much over 10 miles an hour during part of the way.

No other roads north of the Colorado or on the south side connect at Lees Ferry or at any point within many miles of the ferry that we observed. We were on the only road traveled. I quote from the diary of the trip across the ferry made by me on September 22 and written on the following day at Tuba City:

We left the north rim [of the canyon] about 8 a. m. and drove about 45 miles to Jacobs Pool \* \* \*. From Jacobs Pool we drove about 65 miles to Lees Ferry. Only one settler was met about halfway to the ferry. \* \* \*. During the last 35 miles of the drive to the ferry we did not meet a soul on the road or see a tree or a single water hole. It was deserted excepting for a few scattered cattle during the 35 miles. Not a half dozen settlers live within 35 miles of the ferry, we were told.

We crossed at the ferry over the Colorado with Deputy Sheriff Moon running the rope ferry. He said the place was the last hole in creation. That he could handle all the traffic and averaged about two cars a day (\$3 each) during September.

We drove along the south side of the Colorado River for about 50 miles (on the Navajo Reservation), and it was as deserted for the entire distance as on the north side, excepting toward the last 20 miles we stopped at two small traders' shanties and saw several small Navajo hogans (houses), but it was almost as bad as on the north side, treeless and waterless, until near Tuba City, which we reached about 8 p. m.

#### NOT ONE INDIAN WITNESS CALLED BY THE BUREAU

Tuba "city" consists of a few reservation buildings, including a school and one trader's store. No other stores or industries. A small monthly pamphlet, published by the Indian Rights Association (Inc.), Philadelphia, and edited by M. K. Sniffen, contains the following in its October, 1926, number:

After visiting the proposed site for the Lees Ferry Bridge over the Colorado River, in Arizona, the editor does not wonder that the Navajo Indians object to having \$100,000 of their funds used for its construction. Not an Indian lives within 25 miles of the site on the reservation side, and the nearest settlement across the river is about 80 miles distant.

There is now no approach to the site, and if the bridge is ever built it will be necessary to construct a road across the western part of the Navajo Reservation that will cost not less than \$300,000. It is a white man's proposition and no stretch of imagination can justify using \$100,000 from the Navajo funds for such purpose.

This subject was discussed at the tribal council held at Fort Defiance in July, and while the Indians were willing to have funds derived from oil bonuses and rentals used for reservation improvements they were unanimously opposed to the Lees Ferry bridge scheme.

The Indian Rights organization is very conservative, rarely questioning any action of the Indian Bureau, so the foregoing is quoted to show that every witness familiar with the "highway robbery," as it is called by Senator CAMERON, agrees that no Indians or whites live or can live anywhere near this bridge. More significant, the Indians were "unanimously opposed to the Lees Ferry bridge scheme" put over by Secretary Work and the Indian Bureau.

CONGRESS NEGLECTS ITS INDIAN WARDS, BUT IS ASKED TO GRAB THEIR LAST DOLLARS FOR A TOURIST BRIDGE

Commissioner Sells felt some responsibility, which apparently has been overlooked by present bureau officials, when he said, on page 75 of the Snyder investigation of the Navajos living in New Mexico and Arizona—

The Indians of the Southwest, including the Navajos, the Napes, the Apaches, the Pimas, and the Papagoes have all been consider-

ably neglected. They have had very little help from the Government. \* \* \* The Navajos have gone through all sorts of trouble.

No Indian was ever called to Washington when the bridge fraud was perpetrated on the Navajo tribe and also on Congress, which was misled into passing the bridge bill. With about \$900,000 reimbursable charges against the Navajo Indians by Congress on the recommendation of the Indian Bureau, we were advised last session that this tribe, the most backward of any in the country according to the bureau, had only \$116,000 with which to pay all debts shouldered onto the Indians by the bureau. The bureau's handling of reimbursable charges will be referred to later.

Believing it important to disclose the character of such charges recommended by the Indian Bureau against its wards, the Indians, I have searched for the truth in this Navajo case, and from the testimony submitted by Senators in debate, also from all the people we met within 50 miles and more of Lees Ferry bridge, whites and Indians, I firmly believe no greater fraud could have been perpetrated on Congress or against any Indian tribe than this Lees Ferry reimbursable charge of \$100,000 against the Navajo Indians, with \$300,000 more hereafter for roads and approaches to follow, all to be built, without shadow of doubt, for the white automobile tourist trade and not one dollar really expended for the benefit of Indians. This fraud, begun in the Sixty-eighth Congress and completed this year, is an evidence of Indian Bureau gross malfeasance and other charges against Indians are equally indefensible.

#### CUTTING MEDICAL SUPPLIES TO BUILD WHITE TOURIST BRIDGES

It should be remembered that these Navajo Indians are in great need of medical service, of education, and of the bare necessities of life. For instance, the doctor at Tuba City, nearly a hundred miles distant from the nearest railway station, admitted he had 7,000 Indians under his care scattered over a territory presumably 50 miles square or 2,500 square miles, with only one nurse. His small requisition for necessary medical supplies of about \$1,000 for 7,000 Navajo Indians, with other medical applications, I understand, was cut in half by the Indian Bureau. And that bureau approved and recommended a charge of \$100,000 against the Navajo Indians for a white tourist bridge, with \$300,000 more to follow if approaches are built as stated by witnesses, yet cuts needed medical supplies. Some of the information was not voluntarily given but a congressional committee would have little difficulty in learning the facts.

Why would Senators, during debate, Republicans and Democrats alike, familiar with the facts, charge the Indian Bureau with highway robbery and swindling of Indians, unless it is a fact, and if a fact why will Congress sit complacently by and permit itself to be drugged by these same officials? That question can not be lightly brushed aside when all witnesses are practically a unit in denouncing the fraud on Congress as well as on the Indians.

Commissioner Burke absolves himself from blame by shouldering it on the Secretary of the Interior when in his unique defense he said (p. 30):

The Bureau of Indian Affairs does not control the estate of the Indians. \* \* \* I want to say that we have at the head of that department (Interior) a man from the West, who is a great physician, big hearted, a man who has not only got red blood in him but a great administrator, and I want to say to you that there will not be anything happen while he is Secretary of the Interior that will do injustice to the Indians.

How about this \$100,000 Navajo bridge robbery item that Secretary Work recommended to Congress, and the \$300,000 more to come, and a \$900,000 reimbursable charge now against the Navajos, and, in fact, how about many other fraudulent Indian bridge items. Did the red-blooded or blue-blooded Secretary know what he signed when he said the white settlers and the Indians would be equally benefited by the Lees Ferry Bridge and that \$100,000 was a fair charge for Congress to make against these Indians?

Did any Secretary of the Interior sign that recommendation to Congress without "doing injustice to the Indians," and with his manifold duties did he know what he was signing when he approved many other unjust bridge and irrigation items or deals like the kidnapping marriage and division of Jackson Barnett's \$1,000,000 of property which the Indian Bureau approved?

#### A RED-HANDED BUREAU UNDER A RED-BLOODED SECRETARY

I shall not attempt to fix the degree of responsibility to be borne by the Secretary or by the Indian Bureau for these matters, but some one is responsible not only for what has been done but for what will be done in the future, and Commissioner

Burke's effort to escape responsibility by a eulogy of the Secretary with "red blood" must not be taken too seriously.

In a speech made February 4, last, I said that from information I had then received, bridges had been built across the Rio Grande River on the San Juan and Cochiti Indian Reservations charged reimbursable against the Indians of those pueblos, and on that occasion I stated I was informed the San Juan Indians did not use the bridge one-tenth as often as white settlers who were given the use of the bridge at the exclusive expense of the Indians. During Indian Commissioner Burke's "defense" before the Indian Committee he said he did not get the same information I had received from others. When in New Mexico and Arizona I asked to cross the San Juan Bridge and examine conditions for myself. This I did, driving many miles for that purpose, and the only people crossing the bridge while I was there were several Mexican settlers living on the other side. On my return to the neighboring Indian village I asked the president of all the Pueblos—some 8,000 in number—what proportion of Indians used the San Juan Bridge, and he said he would ask the governor of the San Juan Pueblo, which he did, repeating several questions I asked him to answer. Less than 1 Indian to every 10 white persons use the bridge, the governor answered, and he did not know that the bridge or any part of it had been made reimbursable against his tribe. He was the head of that tribe and a man of fine intelligence, but how could he know what the Indian Office, 3,000 miles away in Washington, was doing with his funds when no witnesses were called before the San Juan fraud was put through Congress.

I submit that this charge of some \$40,000 against the San Juan Indians is without any justification and that no inaccuracy occurred in the indefensible San Juan Bridge charge made against Commissioner Burke. The Indian governor and others so testified. Mr. Burke's statement that Congress was to blame for the charge and not himself, as shown on page 10 of his defense, is much like his attempt to load responsibility for the Navajo bridge onto Secretary Work. Neither would have passed Congress without the approval of Commissioner Burke.

Congress would not have made the charge without the acquiescence of the Indian Commissioner, that is certain; and the facts show that with more than 10 white persons using this bridge to every Indian, the entire charge was made against the Indians recently in the same manner that \$100,000 was charged against the Navajos for a bridge that is absolutely of no value to them.

#### THE PIMA WHITE TOURIST BRIDGE ALSO "HIGHWAY ROBBERY"

One night about 50 miles from Phoenix, when driving out to an Indian reservation, we came to a modern stone and concrete bridge apparently nearly a quarter of a mile in length that stretched across a dry bed of the Gila, where water rarely flows and never interferes with automobile fording more than two or three days of the year—so we were told at the reservation. This expensive modern bridge structure, not yet completed, was surmounted with impressive lamp posts and large-sized globes every few feet apart, and it was connected with a modern gravelled road that would be a credit to any State for automobile travel.

We learned that the bridge and road were part of the direct tourist trunk line from Phoenix to Tucson, and so far as we could observe it was built in keeping with surroundings of Niagara Falls or some popular Washington suburb instead of the Arizona desert.

When we asked whence came the beautiful bridge with its ornamental lamp posts and heavy stone railings far out in the desert we were told it was a bridge and roadway that would cost nearly a half million dollars, built across part of the Pima Reservation, and forming part of the direct tourist trunk line between the two cities named, and was built in connection with an irrigation dam at the same point. The extra cost for the bridge was estimated by reservation people at several hundred thousand dollars.

The Indians on the reservation continue to cross at the ford where they have crossed for centuries, at a point a couple of miles or more above where the bridge stands, but where the village is located. To use the bridge they would have to drive 4 miles out of their way, we were told, whereas the ford is always used the year round, excepting on two or three days.

I asked an Indian interpreter how many Indians would ever use the great costly bridge, compared with the whites, and he said not one in a thousand, while others agreed the bridge is useless for any Indians. I asked who paid for the bridge, and was told they had heard it was part of an irrigation dam project and that the Indians were expected to foot the entire cost of bridge and ditch, that in all probability will reach nearly



a million dollars. I have not all the details as to the charge, but this tribe is known as the Pimas, whose death rate is several times that of the Whites in Arizona; and the white tourist bridge has increased the reimbursable cost to the Indians several hundred thousand dollars. This was made possible by Indian Bureau connivance.

Regarding this infamous Pima bridge fraud Meritt in his defense of the bureau's action said (p. 47):

When the Indian dies and his estate is settled we will require the heirs to reimburse the Government for this splendid benefit that is being extended to the Indians of that [Pima] reservation.

The Pima Indians are very poor and seek now to get a livelihood out of the parched earth by aid of a few irrigation wells. They are not the builders nor users of the ornamental bridge, but they will pay handsomely for the white man's bridge now building, which is another case of "highway robbery," unbelievable to those not acquainted with the facts. The best investment this Congress can make would be to send a committee throughout the Southwest to learn these facts for themselves and then put the commissioner and his assistant on the carpet. When Mr. Meritt read his address to an Oakland audience he professed to believe I was criticizing the Pima irrigation project. On page 106 of his questioning he admits this bridge "is a beautiful bridge" charged against the Pima Indians; yet these Indians have no use for it and were not consulted about it, but the bridge unquestionably is built for white tourists on the regular trunk highway between two Arizona cities.

Meritt says this bridge will be paid for by Indian heirs when Indians now living die, and as the death rate among the Pimas is several times as large as the rate among the whites it is a business element that should favorably impress Mr. Meritt, whose bureau has cut medical requisitions for Indians down to 50 per cent in cases I am ready to present to any real investigating committee.

#### PILING UP ILLEGAL REIMBURSABLE CHARGES AGAINST INDIANS

I am informed that in 1919 Assistant Commissioner Meritt stated before the House Indian Affairs Committee more than \$3,000,000 of reimbursable charges then existing against Indian property is illegitimate and ought to be wiped out. If so, I ask who made them illegitimate, and what effort has been made by the Secretary of the Interior or Indian Commissioner Burke during the last six years to right the wrong? If \$3,000,000 was illegitimate in 1919, I predict it is more than double that amount now, for which the Indian Bureau is responsible. Indian property is mortgaged for \$3,000,000 or \$5,000,000, or more, by congressional act, that admittedly is an improper charge; and yet the bureau, acquainted with the facts, makes no effort to relieve the Indians from this injustice, but piles up the fraudulent charges. On page 107 of his remarkable defense of the bureau, Mr. Meritt said of reimbursable items charged against Indians that their collection "is left to the discretion of the commissioner." Meritt or his bureau in the face of such successful efforts to mislead Congress on necessary Indian items come to us with fulsome praise for the Navajo and Pima bridges that are both without merit; yet that is bureau logic which goes with fraudulent Indian charges that can not be defended.

Nowhere else in all legislative procedure, I submit, will such power be found lodged with a single bureau official. Congress appropriates money from the Treasury. On approval of Mr. Burke it is made reimbursable whenever, if at all, Mr. Burke decides it should be paid. The fraud primarily practiced on Congress is without parallel in any other department of the Government, and with the Indians it is inconceivably unjust and indefensible. With the Pima white-tourist bridge it is highway robbery.

In 1919 the reimbursable charges against Indian property was about \$23,000,000, and it is a matter entirely within the knowledge of the Indian Bureau just how much these charges have grown since 1919. The commissioner decides what claims are to be paid and he alone. No report or publication by the Indian Bureau, to my knowledge, gives these facts that are of vital interest to the Indians and of more vital interest to Congress. What is being done with the charges and how are they being paid? For, of course, charges against the San Juan Indians of \$40,000 for a white man's bridge or \$400,000 against the Pimas for a white man's bridge can not be paid now from their tribal funds, and presumably never, because both tribes are poor and needy; nor should one dollar ever be repaid, in fact. Yet in 1919 hearings it was stated that more than \$8,000,000 had already been collected from different Indian tribes and applied on their reimbursable debts. Possibly one-half of the balance and more should be repealed, and those who have been responsible in deceiving Congress and robbing

the Indians on such items should be made to answer both to Congress and to the Indians.

With the Kaibab Tribe, which I visited, a few poor helpless Indians have been charged a reimbursable fee, and yet the only tribal income, so far as I could learn at the reservation, comes from poor grazing land that is leased at about 1½ cents per acre to white cattlemen and the receipts then used to buy a tribal herd, which in turn affords what little money is now used to pay for a tourist road through the reservation. This reimbursement is being made, I understand, by collecting a few needed dollars from these poverty-stricken Indians. The Indian Bureau has not waited for these Indians to die. They pay a few dollars that is squeezed out of the cattle deal, but it is worse than stealing from the blind, because they are poor and utterly helpless to resist the bureau's tourist "highway robbery."

Any committee that investigates the Indian question should, among its first duties, learn the total reimbursable charges against all the Indians, the amount chargeable against the different tribes, the purpose of the charge and whether ever proper or not, the ability of the Indians to pay toward such charge, and whether, as I am informed, some of these Indians not far removed from starvation, with little property of any value, are being squeezed and their insignificant income shaved by the Indian Bureau in order to meet grossly unjust charges.

#### MANY MILLIONS OF FRAUDULENT BUREAU INDIAN CHARGES

Many cases can be pointed out involving a total of millions of dollars charged reimbursable against different Indian tribes for bridges, highways, irrigation projects, and other purposes, largely to be used by white people, which, however, have been made a charge against the Indians. These are not all caused by the present Indian commissioner, Mr. Burke, for some of these so-called "improvements" for whites at Indian expense were made by Congress under the advice and approval of their predecessors in office. No cases, however, within the past half century, I assert, will be found more iniquitous or indefensible in character than the Navajo Indian \$100,000 highway bridge robbery or the Pima bridge, of great expense, with connecting highway charges that will follow both bridge charges.

Any system is vicious that permits any official or any bureau to prostitute his or its powers by robbing or permitting robbery of the helpless Indians. When the relation of guardianship and ward is involved the extent of the injustice is a hundredfold worse. I am not directing my charges alone to present or past officials but to an infamous system that permits such things to exist and of which they are a part.

No investigation of the Department of the Interior or Indian Bureau by itself will ever offer any exposure of corruption due to this practice. If an independent investigation by Congress can not develop an honest, responsible, helpful, and constructive policy for handling the Indian question, then the result will be of little value, but with "incompetent" Indians under the control of the bureau on the increase and oil-well Indian property increasing 50 per cent in value in one year, and present methods of handling funds and standards of autocratic guardianship irresponsibility as bad as related, a radical change is called for, and Congress is the only agency able to bring about such change.

#### JACKSON BARNETT SWINDLED BY AN ALLEGED INDIAN BUREAU CONSPIRACY

Many individual charges of injustice are brought against the Indian Bureau. It is unnecessary again to refer to them in detail where I have done so before, except to say that in one case to which Mr. Meritt referred, and which I discussed in speech of April 23, where a whitewashing investigation of the present commissioner by the House committee was had, in the Jackson Barnett case, a New York court has been examining into the proceeding to ascertain if sufficient fraud and injustice appears to set aside the gift of \$1,100,000 made by Barnett to his wife and a Baptist mission, equally divided in amounts of \$550,000 each. As heretofore stated, the charge was made by the Government's attorneys that Barnett's wife was formerly a widow of ill repute. It is set forth by a lengthy report of detectives that she helped get Barnett, a simple-minded Indian, drunk and kidnapped him, then married him, and then got the Indian commissioner to agree to a division of Barnett's property, as set forth, reserving only to him during Barnett's life an income from the property. The scandal surrounding the marriage, the speed in getting hold of Barnett's property, are all matters of record, but the most significant part lies in the fact that the Indian Bureau was not only a party to taking the fortune from this Indian, subject to the life's income, but no transfer could have been had without the approval of the Indian Bureau, and no court review is now to be had, according to the bureau's contention.

I have recited the facts heretofore in various speeches, including Secretary Work's letter to the President, but add

briefly that all papers in the case were signed by Barnett with his thumb print. The Associated Press report of the trial in New York stated that a guardian was appointed by the Oklahoma court to set aside and recover the \$550,000 given to the mission society and of the \$550,000 given to the wife. Of this latter amount it was also alleged, as heretofore stated, the wife paid Harold McGuggan, an attorney who was prime mover in the conspiracy, \$150,000, and Mr. McGuggan paid \$50,000 of this amount to M. L. Mott, described as a close friend of Commissioner of Indian Affairs Charles H. Burke.

In the Associated Press report of November 17 it was stated further that the United States Government, an intervening petitioner in the suit, decided to withdraw its allegations of fraud against Albert B. Fall, formerly Secretary of the Interior, and also against Charles H. Burke, Commissioner of Indian Affairs.

In other words, the Attorney General's office, representing the United States Government, withdrew its charge of fraud against Commissioner Burke, but alleged and contends the gift of his property was improperly made by Burke. Charges of "cupidity and stupidity" made against Fall and Burke by the guardian's attorney were heard by the court, but the question of the motive that actuated the Indian Commissioner to have McGuggan, an attorney, paid \$150,000, of which his friend Mr. Mott was paid \$50,000, and other peculiar earmarks in the case would not be investigated by any court where the case turned on other issues. That is a province of a real investigation committee.

On November 30 Bailey, guardian, seeking to protect Barnett against the fraudulent gift of all his property to his new wife and against the mission society, received his reward by his removal by an Oklahoma court in November. Whether the \$150,000 that was to go to one attorney under the division of his property, with \$50,000 of that amount to be paid Mott, the Indian Commissioner's friend, figured in the removal is not disclosed, but any effort of the guardian to protect his ward aroused every opposing interest that was to profit from the division of Barnett's property.

#### THE SACRED INDIAN BUREAU IS ABOVE ALL LAW

The reason given by the court for the removal is that the Interior Department (Indian Bureau) had the sole right to administer the \$1,100,000 property of Jackson Barnett. Without court review, or any accounting to any court, this decision holds in effect that all the property of the 225,000 restricted Indians is under exclusive jurisdiction of Indian Commissioner Burke. The only authority over the Indian Bureau is Congress; and with a multitude of matters occupying its attention, Congress can not review Mr. Burke's action. Until a constructive plan is adopted for the protection of the 225,000 so-called incompetent Indians a specific method of court review should be provided by law for all such cases.

On the one hand, the bureau aids or directs an Indian old and feeble-minded to give away practically all his property, over a million dollars in amount, and yet it holds 225,000 Indians of all standards of intelligence in subjection so that they can not sell, lease, or will their property, amounting to \$1,600,000,000, without the bureau's express consent.

The question of property rights as now controlled and administered by the Indian Bureau calls for a thorough overhauling and a constructive plan that will permit Indians without unnecessary delay to become self-supporting, worthy of the citizenship Congress has given to every adult Indian.

The entire subject is of vital importance to the Indians. It is of more importance to Congress that witnesses the deceit, fraud, and neglect which all too frequently accompanies a situation where an unrestricted bureau, not responsible to any court, has the handling of \$1,600,000,000 in property belonging to 225,000 "restricted" Indians.

I do not intend to repeat the record of neglect of health and general lack of proper care heretofore set forth in speeches in the House on the Indian Bureau's administration, but a brief mention of Indian Bureau inexcusable neglect is here offered.

#### INDIAN HEALTH AND MORTALITY STATISTICS

In a House congressional investigation into Indian affairs held in 1919 Assistant Commissioner Meritt, who recently read his speech to California audiences, made this statement on examination:

I think there is a higher death rate among Indians than among white people. That is especially so with children under 5 years of age, where the death rate is appalling.

He attributed the infant death rate to lack of proper care at childbirth and lack of proper food. Again he said:

It is my impression that the Indians are suffering more from tuberculosis now because of their new methods of living than formerly when they roamed the plains and forests.

Again—

Mr. HASTINGS. Is it true that there is a greater percentage of tuberculosis among the Indians when they are confined than when their reservations were larger?

Mr. MERITT. We have no accurate figures as to the percentage of tubercular Indians a great many years ago, but now we have figures that indicate that a large number of Indians have tuberculosis.

Mr. HERNANDEZ, of New Mexico. I have in mind a small tribe of Indians where about 75 per cent of them, so they claim, have tuberculosis.

Mr. MERITT. That is probably the most flagrant condition existing in the Indian Service. You refer, of course, to the Jicarilla Reservation in New Mexico.

Mr. HERNANDEZ. I don't know the reason for that. I was trading with them for several years, 20 years ago, and they were a healthy Indian \* \* \*. What is the cause of that condition in that particular place?

Mr. MERITT. My impression is that a great many years ago those Indians lacked sufficient food, and they got into a weakened condition, and the disease to which they are most susceptible took hold, and we have never been able to eradicate it.

Thereafter, on page 771 of hearings:

Mr. HERNANDEZ. A sort of pessimism has taken hold of these Indians on account of their poor health, and then they have a reservation that is not susceptible of being cultivated very much. They have no water, but they do a little farming along some of the valleys.

#### SEVENTY-FIVE PER CENT OF ONE TRIBE WITH TUBERCULOSIS

From the foregoing it appears that 75 per cent of these 600 Apache Indians were sick with tuberculosis, and the bureau witness sought to lay responsibility to conditions a great many years ago.

(Page 1103)

Mr. HERNANDEZ. Is it a self-supporting agency?

Mr. SHIPE. That agency can be made absolutely self-supporting.

Mr. HERNANDEZ. The only unfortunate circumstance in connection with that tribe of Indians is that they are all sick. We had better feed them up good and see how many we can save, because in the next 10 years I think they will disappear unless something is done.

To this no response was made by the bureau witness, but the philosophy of Hernandez, whom I met last fall in New Mexico, is 1,000 per cent better than that announced by the Indian Bureau that these Indians can be made self-supporting out of their small property holdings. "Feed them" is his first prescription. Keep them from starving. That is the humane thing to do.

May I also revert to statements made at two Indian reservations visited that a cut of 50 per cent in medical supplies by the Indian Bureau was charged to Coolidge economy rather than to bureau cheeseparing where the fault lies.

Again I quote from the report of General Blue, Surgeon General, Public Health Service, found in the Snyder report, not to fix responsibility upon the present bureau's administration but to ascertain facts on which to act intelligently.

An investigation into Indian health conditions was held in 1912; an extract from the report is as follows:

The field investigations were begun September 28, 1912, and terminated December 30, 1912, 14 officers being assigned to the work. Reservation and nonreservation boarding schools in 25 States were visited, and a total of 39,231 Indians examined, representing approximately one-eighth of the entire Indian population of the continental United States.

Attention was paid to sanitary conditions in schools and on reservations, with special relation to housing conditions, food supply, and social and personal habits tending to favor the spread of disease among the Indian population. As a result of the examination it became evident that trachoma and tuberculosis are veritable scourges of the Indian race.

Trachoma: Out of 39,231 Indians examined at all the reservations and nonreservation boarding schools visited, 8,940 individuals, or 22.7 per cent of the entire number were found to have trachoma. \* \* \*

Trachoma was found to be generally prevalent in the schools to a greater degree than on the reservations from which the pupils are drawn, and in nonreservation boarding schools it was found that groups of pupils from the areas where trachoma is absent, or but slightly prevalent, presented a high percentage of infection. The inference was reasonable that these pupils contracted the disease at such nonreservation boarding schools.



JULY 14, 1926.

**Tuberculosis:** Although no accurate data could be obtained relative to the length of time tuberculosis has existed among the Indians, it was found that the disease is widespread among them.

Considerable variation was noted in the case incidence of the disease, the percentage of tuberculous Indians varying in the several States and on the different reservations in the same State. The more primitive the Indian, generally speaking, the higher the percentage of tuberculosis.

On the whole, it may be said that the prevalence of tuberculosis among the Indians is very greatly in excess of that among the white race, depending on locality and the survey, as conducted, has revealed a situation so serious as to require the prosecution of vigorous measures for its relief.

Thereafter General Blue was asked if he could state whether or not based on his survey that tuberculosis and trachoma was on the increase among the Indians, to which he responded both diseases were very prevalent, but he was not prepared to say as to the increase.

#### INDIAN DECREASE IN POPULATION THROUGH DISEASE

Indian Commissioner Leupp, speaking in 1910 of a decrease of Indian population, states that the best obtainable data are that between 800,000 and 900,000 Indians occupied the territory now known as the United States. In 1910 the Indian Office estimated roughly their number to be about 300,000, or a decrease of nearly two-thirds due to war, famine, disease, and other causes. However, he adds that the decrease among the full bloods is far greater, because so large a proportion of those legally classed as Indians are from one-half to seven-eighths white or less. He believed the increase in mixed bloods about set off the full bloods, but at the same time he stated the tribal census rolls have not undergone a revision for a long time and usually added births but ignored deaths as far as possible, because every addition to the family meant increased rations and annuities, while deaths meant a decrease.

No accurate census can be had of the Navajos or other widely scattered Indians, who are nomads and are liable to double registration or estimates where the system is necessarily crude. Congressman Cramton, of Michigan, has said as much during debate on this Interior Department Indian bill. He certainly is unprejudiced in making that statement.

California authorities claim the Indians in that State have decreased from 200,000 to about 20,000, or about 90 per cent decrease. Certainly the decrease in New York, my own State of Wisconsin, and other States has been in nearly the same proportion. Whether any increase in Arizona, Oklahoma, and other States has more than kept pace with losses in those States is largely a matter of speculation.

When the present Indian Commissioner or his deputy says the Indians, notwithstanding disease, starvation, and plagues, are increasing, it is proper to ask what amount of white blood makes an Indian; who takes the census and how and when, and also whether these figures which are paraded constantly in the press are more than guesses, with only guesses, in the past for comparison. Does his effort to show health improvement affect the facts? The cases of heavy mortality are vouched for; have the births kept pace?

#### THE PIMA INDIAN STARVATION CASE

Is the Pima's mortality five times as great as among the whites? This is asserted by those who claim to know the facts.

I have a copy of letter handed me in person, when in Phoenix, that takes my friend, Representative Cramton, to task for reflecting on the standing of Dr. Dirk Lay, a splendid missionary whom I have met repeatedly in Washington, and also out on the Pima Reservation, near Phoenix, last October. I can say personally that Doctor Rule, the letter writer, is a fine type of fearless manhood, in or out of the ministry. Everybody who spoke to me of him gave unrestricted praise for this minister, who, in the service as an Army chaplain, made a splendid record.

He defends Doctor Lay, the Pima Reservation missionary, without limit, and all this I insert in the letter excepting personal criticisms of my distinguished colleague, that are omitted.

Rev. Mr. Lay is an upstanding, broad-shouldered, muscular white missionary among the Pimas. After my visit to the Pima Reservation I am satisfied his statement of bad health conditions and of suffering among the Pimas is no exaggeration. Rev. Mr. Rule, familiar with the reservation, also expresses himself unreservedly. I would prefer their judgment and my own investigation to any gilded reports from the Indian Bureau. Any congressional investigating committee that will really investigate I predict must find conditions of neglect, and worse, as described by Doctor Rule and Doctor Lay. The letter follows:

Hon. LOUIS C. CRAMTON, M. C.,

Lapeer, Mich.

DEAR CONGRESSMAN CRAMTON: I have been following the affairs at Washington with a new interest in the last few years, because either my friends Senators CAMERON, ASHURST, or Congressman HAYDEN have been sending me the records of proceedings affecting Arizona. I notice in "Extracts from hearings before Subcommittee of House Committee on Appropriations" under date of Thursday, May 13, 1926, that you are possessed of rare moral courage. Having had considerable military experience I know just what it takes to stand up before a company of those who know you under differing circumstances and say, "I myself am a Presbyterian." \* \* \*

If you had taken the time to investigate, and I believe you owe it to yourself as well as those whose taxes pay your salary, that you should investigate, you could never have referred to Dr. Dirk Lay as a "so-called Presbyterian missionary operating among these Indians, and otherwise in Arizona." \* \* \*

Doctor Lay is a Presbyterian missionary and not a "so-called" one, and anyone who throws suspicion on his good standing as a missionary by referring to him as a "so-called missionary" would appear to be actuated by motives other than Presbyterian and certainly not Christian.

I am chairman of the committee which has the directive oversight of Doctor Lay's field \* \* \*. I am fully conversant with conditions on the Pima Indian Reservation from personal observation, and many of the claims of Mr. Meritt, especially the one thousand and odd permanent houses with wooden floors, seem to me like a bluff and Jeff column. I have been on the reservation within 10 days, too, and not about 10 years ago as you were.

Why did you not say it was 10 years since you were there? Further, I was in Syria and Palestine in 1917-1919, when Uncle Sam saved a million lives from death by starvation, and I know the evidences of starvation. The Pima Indians show, on the whole, the same symptoms of undernourishment over a period of years that the Syrians did, and they are just as likely to be decimated by some epidemic disease as the Syrians were. The only difference I can see is the Syrians' lifeblood was sucked by the despicable Turk, the Pimas suffer because of injustice and delay.

I am a Democrat, but before that a lover of truth and a follower of Him whose standard is "revile not." I hope you will not think I am reviling you as you do Doctor Lay, whose 14 years of missionary work in Arizona is an epic of self-sacrifice unmatched by most congressional records. In the future you may safely leave out any "so-called" before Doctor Lay's name, and as he is devoting his life to the Pimas, you may leave out your unfortunate "and otherwise." \* \* \*

Sincerely yours,

VICTOR A. RULE,

Chairman Synod's Committee on National Missions.

The death rate among the Pimas has been reported to be about five times the mortality rate among the whites. That is an issue over which the Indian Bureau is concerned. Not as to the facts but publicity given to the facts. Mr. Meritt, above named, cuts medical supplies in half when the Washington office is doing cheeseparing but recommends a white-tourist bridge for the poverty-stricken Pimas at a cost of several hundred thousand dollars when the Pimas did not know of the Santa Claus act for which Mr. Meritt was charging them; and he did this act notwithstanding the undernourishment and high death rate charged to Indian Bureau neglect. The Pima death rate is notoriously high, and responsibility therefor rests at the doors of the Indian Bureau. That is the issue.

#### THE INDIAN BUREAU'S RESPONSIBILITY FOR ZUNI INDIAN DEATHS

Out of a large amount of data that has come to my hands and cases which came under my own observation, I cite the Zunis, whom I visited last October.

For 10 years the largest Pueblo Indian tribe has been dying off with dysentery, typhoid, and other diseases caused by drinking water from shallow wells polluted by sewage from the Indian reservation and school buildings built by the Indian Bureau. This constant menace to life and the heavy sick and mortality rate has occurred directly from action of the Indian Bureau. Promises have been made for years, we were informed, of some attempt to relieve the situation, but for all the years down to the time we were there the Indian death rate and insanitary conditions due directly to bureau management still continued. The school and reservation sewage is carried down to the Indian village and could not fail to cause sickness and needless deaths. For this the bureau must be held responsible.

#### INDIAN MORTALITY DUE TO PRESENT OFFICIALS

I am informed the Federal census based on the Indian death registration in 14 States disclosed that the death rate has increased 48 per cent since Commissioner Burke took office in 1920 and during the time Mr. Meritt has aided him in protect-

ing the lives of the Indians. During that period the white death rate has averaged below 12 out of 1,000 every year while the Indian death rate per thousand has increased in 1921, 17.5; 1922, 19.2; 1923, 22.5; 1924, 25.9. I do not claim independent knowledge of the facts, but it is a matter that should be fully investigated by a competent congressional committee that will not depend on bureau agents for its conclusions.

The claim of the Indian Bureau that these statistics of the Federal Government are not correct is met by the statement that the Federal Government in such cases received its data from Indian Bureau agencies.

A thorough Indian Bureau investigation by a congressional committee will determine the degree of responsibility of the present bureau officials, but I am not concerned in fixing responsibility so much as I am in relieving the Indians on the Hopi, Navajo, Apache, and other reservations from neglect and needless suffering as evidenced by my own observations on the Zuni Reservation.

INDIAN HEALTH LEGISLATION PROPOSED—THEN ACCEPTED—THEN REJECTED  
BY THE INDIAN BUREAU

The Indian Bureau will not brook any interference with its control of the property or person of the Government's Indian wards or with any offers of aid or cooperation by the States to improve Indian health conditions. Pity it is, it is so.

I have learned of recent proposals from the Secretary of the Interior, based on recommendations of committees having Indian welfare at heart, and in one case coming from a committee appointed by Secretary Work. He then recommended that legislation to that end be passed, according to my information, but the Indian Bureau has blocked any further efforts in that direction and reigns supreme with all its record of neglect as a curse on the Indians who are left. I am placing a brief summary of its record that again damns the responsible Indian Bureau for its stupidity or worse. The record, I believe, is substantially as here related.

Transfer to the United States Public Health Service was first recommended by the special committee of the House to investigate Indian affairs, Mr. Snyder, chairman:

That the medical service for Indians be transferred to the United States Public Health Service.

This recommendation was made in 1920, after an exhaustive investigation of Indian Bureau neglect.

This proposal was seconded by the Board of Indian Commissioners, who made a recommendation substantially identical in 1920; and this recommendation has never been reversed by that board.

The proposal was also seconded by the Association of United States Army Surgeons in 1922.

Again it was seconded by the Association of State and Provincial Health Officers in 1923.

The Committee of One Hundred, formed by Secretary Work, recommended:

We urge that every possible aid of State boards of health be enlisted in cooperation with the National Government in this health campaign.

The Committee of One Hundred did not recommend the transfer of Indian medical service to the Public Health Service. A resolution calling for this, I am advised, was smothered, because the Indian Bureau controlled a majority of Work's Committee of One Hundred. A resolution calling on the National Bureau of Municipal Research to reopen and carry forward its study of the business methods of the Indian Bureau was likewise smothered, according to report.

#### COOPERATION WITH THE STATES

I am advised Secretary Work repeatedly in reports and speeches has recommended that the responsibility for Indian education, social welfare, and health be transferred to the States. In accordance with his recommendations the States of California and Wisconsin introduced bills giving to these States jurisdiction over the Indians in these particulars alone and making available to these States under contract and under Federal supervision the moneys now being spent by the Indian Bureau on these services in these States. After a two months' delay, I am advised, the Secretary of the Interior gave an unequivocal written indorsement of these bills (the Johnson-Swing bill for California and the La Follette-Cooper bill for Wisconsin).

At the Senate Indian Affairs Committee hearing the Indian Bureau is reported to have manifested reluctance to have the bills reported. The matter then went over to the present session.

In San Francisco on December 1, 1926, Mr. Meritt announced in reply to questioning of the bureau's opposition to these bills and stated that he was authorized to speak for the bureau, hence presumptively for the Secretary of the Interior.

He stated that only the "principle" referred to in the bills had been indorsed by Secretary Work. Secretary Work had, however, sweepingly and specifically indorsed the bills, I am informed, before he was overruled by Mr. Meritt, the real head and fount of Indian bureaucracy in this Government.

That brings the record down to date. The bureau will not permit State action under practicable conditions, and it will not permit transfer to the United States Public Health, and it will not do the job itself in an adequate way. So says Mr. Meritt.

Meantime what of the States?

California in April, 1925, through its legislature voted \$100,000 for the relief of sick Indians in that State. The governor vetoed this appropriation, after a nearly unanimous vote by the legislature, on the ground that the State of California was without jurisdiction, because the Indians were exclusively a Federal responsibility. The Swing-Johnson bill, now opposed by the bureau, would rectify this situation and enable California to get into action decisively; California's readiness has been demonstrated to aid to the utmost in caring for the Indians within its borders.

Wisconsin in June, 1925, appropriated \$16,000 for medical service to the few Indians of that State.

The moment that the Swing-Johnson authorizing act is passed, and responsibility accepted by California (which would be immediately), there would become available for the education of each Indian child \$30 per annum from the State treasury, or more than \$100,000 a year.

In other words we can cooperate with the States in eradicating diseases of hogs, cattle, cotton, and other products. We can cooperate with highways and help for white citizens in countless ways, but not with our Indian citizenship.

Because why? Ask Mr. Meritt, who overrules Work and Burke and by so doing makes men retract their pledges to the Indians.

If the States disclose, as they surely would, that local care of Indians is vastly better than the Indian Bureau's record of neglect then other extensions of State supervision would follow, and soon Meritt's job would be gone. That is an explanation offered for the reverse action on Indian health by the bureau.

Commissioner Burke prepared a "substitute" wherein, after requiring the State to enact health legislation therein, provided he, Commissioner Burke, under the name of the Secretary of the Interior, may, "in his discretion," make whatever contract he sees fit. Congress, law, and its administration again are placed under the jurisdiction of the Indian Bureau. The substitute is one that means nothing except continued Indian Bureau control and was drawn for that purpose.

#### TEN-DOLLAR INDIAN COURTS

I have repeatedly set forth the illegal, unconstitutional, and autocratic \$10 per month Indian judge system whereby Indian agents by authority of law appoint some Indian to act in their stead to enforce the agent's will in Indian government. If a good despot, the Indian may get fair treatment, but unlimited power in any bureau from the head to the merest agent is dangerous, un-American, oppressive, and illegal. To-day, without authority of law, the Indian agent is despotic dictator in all cases of misdemeanor, real or imagined, with no written law and no court practice where the accused Indian-American citizen has any attorney to protect his rights, no jury to determine his guilt or innocence of any alleged offense, no right to bail nor appeal to any court. How many white men would submit to such rules and illegal judges? The subterfuge is so absurd and indefensible that the best argument against it is found in an attempted defense of the "bluff" system set forth by Leupp in explanation of the illegal practice. The bureau, excepting in eight Federal court felony cases, now refuses to permit the Indian to have a jury trial or trial by any qualified court.

The illegal \$10 Indian judge system ought to be shelved with other public myths affecting the supposed considerate and elevating treatment given by the Indian Bureau to its wards of to-day. Bills authorizing a practicable and just court procedure in all such cases were opposed by the bureau last session. Unless contaminated by evil white influences the average Indian is honest, well behaved, and a good citizen. This statement I found general among the Indians and white people wherever I went. The problem of Indian lawlessness is practically nothing compared with that of his white "brother." In 4,480 miles of travel, with clothing and many valuables left exposed, including money oftentimes, with the automobile left unwatched in Indian villages night and day, not an article was found missing at the end of our long journey. That speaks for the honesty of thousands of Indians whom we went to see. "Stick 'em



up" is a popular expression among certain whites found in our cities, while the tires and car could not safely be left unlocked on the streets of Washington overnight.

Mixed bloods and youths who have learned evil practices from whites are occasionally complained about, although from all I could learn the standard of law-abiding citizenship, however poor the Indian, is far above the average found in white communities similarly situated, according to many opinions expressed.

The Indian should be held amenable to law the same as every other citizen. He should also have the same rights in either State or Federal courts that his white brother has and be subject to the same laws. I introduced several bills on the subject giving the courts jurisdiction of the property and person of the Indian, but every bill so introduced that attempted to take from the Indian Bureau its exclusive right of absolute control of the property and person of the Indian was opposed by the bureau.

The fault that no law exists for the control of Indians by ordinary lawful methods is alone chargeable to the Indian Bureau's opposition. An investigation would speedily determine the reason for that opposition and which system is the best—legal court procedure or bureaucratic rule.

One is legal, with definite laws to be obeyed and simple defined rules of practice in courts that will protect the rights of a defendant and administrator of justice to the innocent or guilty the same as the white man enjoys.

The other now controls the Indian's person and property and leaves all legal rights, justice, trial procedure, sentencing, and execution of the sentence to an Indian agent possibly good, possibly bad, and often indifferent. For the protection of the Indian and protection of every right-minded agent a proper court procedure is the only right method, and constructive legislation urged by an unprejudiced committee of Congress would so provide.

#### ONE OF THE INDIAN BUREAU'S BALL-AND-CHAIN PUNISHMENTS

I have placed affidavits and other evidence in the RECORD showing present illegal Indian judge court practices. In my own State of Wisconsin I submit a telegram to the President from Governor Blaine, of Wisconsin, and affidavits, none of which have been controverted, yet the brutal Indian agent has been retained in the Indian Service.

Take the Wisconsin case. Governor Blaine, of Wisconsin, sent to President Coolidge the following telegram:

MADISON, Wis., February 15, 1926.

President CALVIN COOLIDGE,  
Washington, D. C.:

Responsible woman, whose word I believe, reports that Paul Moore, an Indian, charged with a misdemeanor, was found on January 26 at Lac du Flambeau (Wis.) Agency jail, in a cell 6 by 8 feet, with clogged toilet, and with ball and chain fastened to ankle. In same jail were incarcerated Indian women. This condition is abhorrent to the dictates of decency and our vaunted civilization. This is the tyranny of the Dark Ages and the practice of the degenerate dominate to terrorize the Indian, who needs help more than a jail. In the name of humanity I beg that that sort of thing cease.

JOHN J. BLAINE, Governor.

This is not to excuse in any degree any offense, if an offense was committed, but to get some facts in a case where letters to Senator LA FOLLETTE heretofore inserted in the RECORD state that Moore was brought before Superintendent Hammitt of the agency; that an Indian named Sawgetchwayghezis, posing as a judge, was present, who could not read or write or talk English. He certainly would be forgiven for misspelling his own name. That Hammitt prepared and read Moore's sentence to six months' imprisonment in the agency jail. All this appears in the letter found in RECORD of March 4.

#### COMMISSIONER BURKE APPROVES BALL-AND-CHAIN USE BY HIS AGENTS

Assuming that all the facts were as claimed by Commissioner Burke, I submit his own statement (p. 27 of the hearings):

I say I have no sympathy for Paul Moore, and I think he ought to be in chains for not the time of the sentence of the Indian court but for a much longer period.

Commissioner Burke approves the ball-and-chain treatment, which is undenied, but he would have it continued for a much longer period than six months. No one knows just what his judgment would determine for ball-and-chain treatment, but that is his standard set for Indian agents throughout the country.

The commissioner approves ball-and-chain penalties and unlimited sentences by his agents who write the findings of the \$10-a-month courts. I offer brief extracts from affidavits set forth in full in speech of April 23, 1926. Additional data on the same case appears in speech of March 4 of last year.

#### THE LAC DU FLAMBEAU BALL-AND-CHAIN CASE

STATE OF WISCONSIN,

County of Ashland, ss:

Cecelia S. Rabideaux, being first duly sworn, on oath deposes and says: I am now 24 years of age and reside in the village of Odanah, within the Bad River Reservation, in Ashland County, Wis. On the 21st day of January, 1926, I was informed that my brother, Paul Moore, had been seized by the Indian police of said village, and, together with Maggie Crowe, who I asked to go with me, called on said police at the office of the Government farmer in said village and there asked to be advised as to what the warrant read for the arrest of Paul Moore. One Bawdee Marksman, who at times acts as a police, said, "It is not necessary that we have a warrant." I then asked, "How is that?" Bawdee Marksman then in substance further stated: "The Indian agent at Lac du Flambeau wrote to the Indian agent at Ashland, Mr. P. S. Everest, and that he in turn wrote to the Government farmer, Mr. A. L. Doan, who directed us to take Paul Moore the first time we saw him."

Paul Moore was put in jail at Odanah and there kept until the next morning, January 22, when he was taken to Lac du Flambeau, so then formed, by one Albert Snow, an Indian police for the Lac du Flambeau Reservation Agency. I asked Maggie Crowe to accompany me to Lac du Flambeau. We boarded the train therefor Tuesday morning, January 26, 1926, arriving at the said agency at 12 o'clock noon. We entered the agency office, and I introduced myself to the superintendent, Mr. Hammitt, with saying that I was Paul Moore's sister from Odanah and was there to see Paul, and also asked as to what he intended to do with him. He stated that he intended to keep him there, and that we would find him in the jail or in the dining room of the school, as he did not know where they would feed him. We then went out to the jail and there found Paul Moore in one of the cells therein, the size of which was about 6 by 8 feet. The same contained two bunks, and also in one corner thereof was a clogged toilet, from which came a stench that filled the room. Fastened to Paul Moore's ankle was a ball and chain.

In the same room, but outside of cells, were three men and a woman, all Indians, whose names we there learned were William Roy, Harry King, Charles Boneosh, and Mrs. Boneosh, who were all served with lunch soon after we were there by children of the school. I was informed by Mrs. Boneosh that, by reason of an arrest previous to the one for which they were then there, she and her husband were sentenced by Superintendent Hammitt to pay a fine of \$75 each; that that was all the money they had, and her husband handed it to said superintendent for her release, and he served time, along with several other prisoners, in work of repair about the said agency.

CECELIA S. RABIDEAUX.

Subscribed and sworn to before me this 30th day of March, A. D. 1926.

O. A. PHARSON,

Notary Public, Ashland County, Wis.

(My commission expires September 2, 1928.)

Mrs. Rabideaux, I am informed, is chairman of the local League of Women Voters.

#### ANOTHER AFFIDAVIT ON THE WISCONSIN BALL-AND-CHAIN AGENCY

STATE OF WISCONSIN,

County of Ashland, ss:

Maggie Crowe, being first duly sworn, on oath deposes and says: I am of part Chippewa Indian blood, now 29 years of age, and reside in the village of Odanah, Wis.

I was on the 21st day of January, 1926, with Mrs. Cecelia S. Rabideaux when she called on the police of said village at the Government farmer's office in Odanah, and heard her ask to be informed as to what the warrant read for the arrest of Paul Moore. The police said that they had no warrant; that the Indian agent of Lac du Flambeau had written to the Indian agent at Ashland, Mr. P. S. Everest, and that he in turn had written to Mr. A. L. Doan, the farmer, who directed them, the police, to take Paul Moore as soon as they saw him.

Paul Moore was locked up on this 21st day of January in jail at Odanah, and on the following morning taken to the depot handcuffed and put onto the southbound 6.50 a. m. Northwestern train in charge of one Albert Snow, an Indian police from the Lac du Flambeau Indian Reservation.

I accompanied Mrs. Cecelia S. Rabideaux, January 26, 1926, to the Lac du Flambeau Indian Agency on a visit to her brother, Paul Moore, who we found in a cell within the agency jail. The air therein was very offensive, and on Mrs. Rabideaux's inquiry as to what smelled so, Paul Moore remarked that it was the toilet in the corner of the cell he was in, and showed us that it would not flush. This cell was about 6 by 8 feet and had two bunks therein, and to Mr. Moore's ankle was fastened a ball and chain. Outside of the cells in the same room were four other Indian prisoners, whose names we learned were William Roy, Harry King, Charles Boneosh, and Mrs. Boneosh. The woman told us that she and her husband had been, before this sentence for which they were now there, each fined \$75, that being all the money they had.

Her husband handed it to the said Lac du Flambeau Indian agent for her release, and he served time in labor about the agency premises, along with others, for which he got no pay.

MAGGIE CROWE.

Subscribed and sworn to before me this 15th day of March, A. D. 1926.

O. A. PEARSON,

Notary Public, Ashland County, Wis.

(My commission expires September 2, 1928.)

CONFISCATES CLOTHES AND LEAVES BALL-AND-CHAIN ORNAMENTS  
STATE OF WISCONSIN,

County of Ashland, ss:

Mrs. Mary Moore, being first duly sworn, on oath deposes and says, I am a mixed-blood Chippewa Indian, now 46 years of age, residing in the village of Odanah, Wis., and the mother of 11 living children, 1 of them being Paul Moore, now 26 years of age.

On the 21st day of January, 1926, my son, Paul Moore, was arrested without warrant by the Indian police of this village and held in jail in said village until the following morning when he was delivered by them, handcuffed, at the depot of the Northwestern Railway to one Albert Snow, who, I was there told, was an Indian police of the Lac du Flambeau Indian Reservation, and who took with him aboard the south bound 6.50 train, Paul Moore.

I was informed by Paul Moore that he was first detained by the superintendent of the Lac du Flambeau Indian School and Agency in a jail at such agency, for five days after the 27th day of October last, and at which time he was made to take off his clothes, the same of which the superintendent of said agency took in charge and furnished old clothes for him to put on.

I am now indirectly advised that since the 22d day of January, 1926, the superintendent of the Lac du Flambeau School and Agency has sold Paul Moore's clothes, the same of which was an overcoat purchased in said October last at a cost of \$45 and a suit bought about a month before at a cost of \$35, together worth \$80.

MARY MOORE.

Subscribed and sworn to before me this 15th day of March, A. D. 1926.

C. A. PEARSON,

Notary Public, Ashland County, Wis.

(My commission expires September 2, 1928.)

THE INDIAN AGENT SELLS MOORE'S CLOTHES, WITH A BALL AND CHAIN  
FOR SECURITY

STATE OF WISCONSIN,

County of Ashland, ss:

Charles La Casse, being first duly sworn, on oath deposes and says: I am now 20 years of age, and a member of the Lac du Flambeau Band of Chippewa Indians, on the Lac du Flambeau Reservation, in Vilas County of said State, where I have resided about all my life, except for the time of my attendance at the Tomah School, in this State, and at the Mount Pleasant School, in the State of Michigan, until the evening of January 22, 1926.

With the view of asking the superintendent in charge of the Lac du Flambeau Indian Agency, Mr. J. S. Hammitt, for an allowance out of my trust fund, though having been at a former request denied, I was at the said agency office to again make such a request through the so-called chief of police, a Mr. William Mattigosh, on the 22d day of January, 1926. While there and before Mr. Mattigosh could speak for me, he was given in charge of one Paul Moore, who he conducted to the jail of said agency. I followed him there and into the jail and saw Mr. Mattigosh place said Paul Moore in one of the cells therein and also saw him fasten a ball and chain to Paul Moore's ankle. Mr. Mattigosh then closed the door of the cell in which was the said Paul Moore, and locked it, as he did also the outer door of said jail after we had come out.

We then went into the agency office. I there heard the superintendent of the said agency say to the clerk thereof, a Mr. W. H. Shawnee, that they would sell Paul Moore's clothes. I was soon thereafter given a check on a bank of Wisconsin Rapids, Wis., for \$15, and then asked by said superintendent to buy Paul Moore's clothes. This I declined to do; but I understand that they were sold to Mr. Mattigosh, who offered \$12 for them, an overcoat and a full suit, which I think from my examination of them must be worth at least \$40.

CHARLES LA CASSE.

Subscribed and sworn to before me this 15th day of March, A. D. 1926.

O. A. PEARSON,

Notary Public, Ashland County, Wis.

(My commission expires September 9, 1928.)

Four affidavits from responsible Indian witnesses have been submitted.

This is a case from my own State. I do not know whether Moore committed any offense, neither does Mr. Burke. Without attorney, jury, or right to any bail or court appeal, he was

kidnaped without papers and brought back 70 miles, where a ball and chain was placed on him while locked up in a foul-smelling cell. Then he "escaped," ball and chain and all excepting \$75 in good clothes sold by Hammitt, the agent. These facts seem undisputed; yet the most serious part of the whole outrageous travesty on justice is that Commissioner Burke approves such ball-and-chain treatment by his agents.

HAMMITT THE BALL-AND-CHAIN AGENT REMAINS IN CONTROL OF THE  
INDIANS AT LAC DU FLAMBEAU AGENCY

To show the lawlessness of this brutal representative of Messrs. Burke and Meritt, I append a letter of recent date that in imperfect language but in plain terms discloses the unfeeling specimen of humanity who rules over these wards of the Government on that same (Lac du Flambeau) reservation. The letter speaks for itself:

SOPERTON, WISC., November 15, 1926.

MY DEAR FRIEND: I thought I would write to you to-day inform you about what the Agency done to me he took our children away from us as I told him I want them to attend Public school. But he didn't mind me at all.

So he arrested me. Put me in Jail for not letting those children at Lac du Flambeau school (Indian school). So he came after them again after they lock me at Jail. So he send to Lac du Flambeau Indian school so the three Boys went to Lac du Flambeau. But only stayed one night after they got over there and came back home on account of they lost there young Brother so they went out to search for him. But they find him in the morning By white women. He must been on street about 10 o'clock in night so the women took boy at her Place so there is where they find him. So they came along with him. They all walked from Lac du Flambeau there shoes all torn to pieces all there stockings Torn off so when they got home they could hardly walk or get up.

So I was Put in Jail again for not letting those boys again. I stayed all together in Jail at Crandon Wis. 15 days. I ask him the Agency to let the boys attend this school where we live. But he said no I ain't going have no argument with you. He said to me Department say so to take all the Indian children to Lac du Flambeau. That is what I am going to do he said. They only have half day school. But that isn't good Public school was far off good for my children so Harry A. Dawson took my boys again. The oldest is near to six Grade.

I wish he could of attend this school here where they went to school last year. This school here was good for them. But I am sorry for them attending Government school. They know more than at government school and they eat hard crust bread at Lac du Flambeau. They say and the Agency didn't give any clothing to my children the first time he took them away. I just only wish to not have any more Government school or agency. I wish they won't be any of them so I let you know about this. To know what happened to us so you could tell about this matter so this be all for today hope we hear from your soon we all send

Best regards to you. Good Bye.

I remain,

WM. TAHWA.

Soperton, Wis.

MEXICAN OR INDIAN BUREAU'S ILLEGAL JAILING

This is not a case of Nicaraguan or Mexican jailing of Americans which, when reported, arouses every red-blooded 100 per cent American owner of an oil-well controlled press, and serves as another reason for American intervention abroad. No; this case is one of Hammitt, a lawless, brutal Indian agent who would be hanged as high as Haman for what he has done if he lived across the border in Mexico, Nicaragua, or Haiti. These countries would make such a sacrifice of a useless life rather than have more American marines landed on their shores to "preserve order" around American property.

The modern despotic Simon Lagree Hammitt is an Indian agent on a Wisconsin Indian reservation. He is strangely protected from State authorities' interference because of a twilight zone law that is construed to prevent State intervention within its own borders, and so Hammitt, an imitator of Meritt, locks up Indians with ball and chain for misdemeanors and now jails parents of Indian children because they prefer a white public school to one of Hammitt's choosing. No marines will be sent to the Lac du Flambeau Reservation in Wisconsin to put Hammitt in the same jail in which he imprisons the helpless wards of the Nation under his control, nor will any of the metropolitan papers engaged in chasing the native obstructors of American dollar investments in Mexico, Nicaragua, or Haiti find occasion to note acts of Hammitt, who only imitates the lawless course of his superiors in the Indian Bureau.

No "research" investigators appointed by Mr. Work would even bother with the ball-and-chain treatment of Moore or the jailing of an Indian father because he preferred a white American school for his children to one of Hammitt's choosing, but a



real congressional investigation would have Hammitt summarily kicked out of the service for incompetency and brutality, and a bureau that retained such an unfit employee in service for a year after his ball-and-chain exposure would be held accountable and receive the just condemnation of every right-thinking man. For that reason, however, Commissioner Burke objects to any congressional investigation, because it may be "partisan," but no other investigation will be of any value or give protection to the 225,000 American Indians now under control of the bureau.

Other instances of illegal ball-and-chain practices have been placed in the RECORD, disclosing that Commissioner Burke and his assistant, Meritt, are retaining such agencies in defiance of any law, and in violation of the plain dictates of humanity.

#### CRUEL KIDNAPING TO FILL CONCENTRATION SCHOOLS

The Indian Bureau adopted years ago a policy of establishing great show places, schools in far western cities, where it was announced Indian children would be given higher education at what are termed nonreservation schools. Separating children from the tribe and tribal customs it was confidently predicted would alienate the children from their parents and start them on the high road toward a white man's civilization. Local schools in the villages and reservation boarding schools were still maintained wherever then established, but these local schools are now found not far enough removed from the Indian parents to suit Indian Bureau molders of a higher civilization.

A policy is therefore being carried out among tribes of the Southwest of taking practically all the Indian children from their parents on some of the reservations and sending them to concentration or nonreservation schools hundreds of miles away, where they can not see their parents for years at a time. In other words, it was told to me the Indian Bureau molders of a higher civilization will eventually abandon these Southwestern day schools and reservation boarding schools and ship all Indian children to the distant concentration schools.

Children as young as six years are now taken away from their parents and in the aggregate thousands of Indian children under existing law have been kidnaped and taken from their parents. Sometimes these children die far away from their people. I was given instances where a number of children had contracted tuberculosis at Phoenix and were returned to their reservation over 200 miles distant, there to die with their tribe. But the civilization by kidnaping, like former Christianizing of Indians by killing, goes on under the present Indian Bureau's management.

Proudly the bureau or local agent sometimes exhibits a document with thumb marks of parents to show that the kidnaping was not violent or forcible. I talked with Indians who had not seen their children for years, and with white persons who knew the facts at or near the reservation, and they said Indian agents carry out the bureau's orders without discretion. With consent forced by circumstances and sometimes without consent, a race in our midst that suffers ball-and-chain treatment when agents deem such treatment necessary is frightened into submission through fear of the agents and an autocratic powerful bureau at Washington.

Kidnaping is peaceful when parents helplessly submit, but forcible we were told when they refused.

Harriet Beecher Stowe aroused the hatred of the world against tearing children from negro parents and selling them to strangers under practices of slavery. But these negro children had grown to be of help, so that they were partially weaned from their parents.

To-day, Indian children, little and big, are taken far away to distant schools, and parents, with the same affectionate love that white people have for their children, are separated from their own by the Indian Bureau's civilizing policy.

Indians have few comforts and few of the privileges that are enjoyed by whites, but they have an Indian love as deep as the whites have for their own children. That small comfort to the Indian parents is taken away, often forcibly, and the picture of misery out on the reservation is one that can not be imagined or understood by the average white person.

Day schools, reservation boarding schools, and where available, as with the Crow Indians and others, white public schools should be made available for Indian children and the present inhuman policy restricted or abolished.

As well could we rightfully and humanely take the children of Meritt, Burke, or Secretary Work and separate them from their parents for three years or more. Such a proposition would meet forcible opposition, with deadly weapons if necessary. The Indian parent is locked up when he protests, even in my own State of Wisconsin where ball-and-chain treatment is popular with the bureau and with its agents, as I have just disclosed by affidavits and correspondence.

I repeat the statement made at the outset of these remarks; inhuman treatment of American Indians is worse than ever before.

One hundred questions asked by prominent Western people of Assistant Commissioner Meritt are contained in my remarks of December 13. These questions affecting the Indian Bureau's mistreatment of Indians were unanswered, but form the basis of serious charges that in themselves should be investigated.

#### A CONSTRUCTIVE LEGISLATIVE PROGRAM NEEDED

Based in part on my own personal observations among many western Indian tribes, I have offered these views with a firm belief that the dark blot on American history caused by our unjust treatment of the Indians may be wiped out for all time by a constructive legislative program.

Suggestions have been offered by various agencies that have studied the Indian problem and that recognize bureaucratic straitjackets worn by the Indians for nearly three-quarters of a century are to the everlasting discredit of a country that has opened its doors and welcomed the oppressed of every land to enjoy American citizenship on an equality with the native born.

We have given to the only real Americans full rights of citizenship with a genealogy traced back to the everlasting mountains and cliffs wherein their forefathers lived, yet these American citizens are now treated by their white brothers as "incompetents" and culprits requiring an iron-handed strait-jacket control by hard-shelled bureaucrats.

Not one argument can be offered for the maintenance of this cold-blooded Indian Bureau treatment that savors of Spanish Inquisition methods, as unwarranted and unforgivable as Nero's reign in Rome.

Facts have been given that can not be covered up by evasion or excuses and that everlastingly damn the present system. It remains for Congress and Congress alone to meet the Indian problem squarely and wipe from the slate over a century's record of injustice, neglect, and ill treatment of these helpless wards of our Government. Only a congressional investigation committee can adequately diagnose the existing disease and prescribe a constructive remedy that will be adopted by Congress. When that is done the great mass of those who have been kept under the iron heel of the Indian Bureau system will then rise up and call you blessed.

#### INDORSEMENT OF MR. UNDERHILL'S ADDRESS

Mr. RUBEY. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Missouri asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. RUBEY. Mr. Speaker and Members of the House, I commend the gentleman from Massachusetts, who has just addressed the House. I have been looking for that speech and have wanted it for a long time. I indorse everything he has said, and I know the Members of the House indorse what he has said. [Applause.]

#### MESSAGE FROM THE PRESIDENT

A message from the President by Mr. Latta, one of his secretaries, announced that the President did on the following dates approve and sign bills and joint resolutions of the House of the following titles:

On December 15, 1926:

H. J. Res. 256. Joint resolution relieving posts or camps of organizations composed of honorably discharged soldiers, sailors, or marines from liability on account of loss or destruction of obsolete rifles loaned by the War Department;

H. R. 9232. An act for the relief of Isaac A. Chandler; and

H. R. 11662. An act authorizing an expenditure of tribal funds of the Crow Indians of Montana to employ counsel to represent them in their claims against the United States.

On December 16, 1926:

H. R. 3278. An act for the relief of A. S. Rosenthal Co.;

H. R. 7930. An act for the relief of the Broad Brook Bank & Trust Co.; and

H. R. 12393. An act to amend paragraphs 1 and 2 of section 26 of the act of June 30, 1919, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1920."

On December 18, 1926:

H. J. Res. 305. Joint resolution authorizing payment of salaries of the officers and employees of Congress for December, 1926, on the 20th day of that month.

On December 21, 1926:

H. R. 12853. An act authorizing and directing the Secretary of the Navy to turn over the gunboat *Wolverine* to the municipality of Erie, Pa.

On December 23, 1926:

H. R. 13504. An act to amend the act entitled "An act granting the consent of Congress to the Gallia County Ohio River Bridge Co and its successors and assigns to construct a bridge across the Ohio River at or near Gallipolis, Ohio," approved May 13, 1926.

On December 29, 1926:

H. R. 12316. An act to amend the Panama Canal act and other laws applicable to the Canal Zone, and for other purposes.

#### ENROLLED BILL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bill of the following title, which was signed by the Speaker:

H. R. 10929. An act granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct a bridge across the Little Calumet River in Thorntown Township, Cook County, Ill.

#### REFERENCE OF A BILL

Mr. BURTNES. Mr. Speaker, on the authority of the Committee on Interstate and Foreign Commerce I ask unanimous consent that H. R. 13070, a bill granting the consent of Congress to Henry L. Gray and Elbert M. Chandler, their successors and assigns, to construct, maintain, and operate a bridge across Lake Washington, and which bill has been reported to the House and is on the Consent Calendar, may be recommitted to the Committee on Interstate and Foreign Commerce.

The SPEAKER. The gentleman from North Dakota, by authority of the Committee on Interstate and Foreign Commerce, asks unanimous consent to rerefer a bill, which the Clerk will report.

The Clerk read the title of the bill.

Mr. SNELL. Mr. Speaker, I did not understand the situation of this bill at the present time.

The SPEAKER. The bill is on the calendar, as the Chair is informed, and the committee desire the bill rereferred to the committee. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14827) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1928, and for other purposes.

#### INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I call up the conference report on the bill (H. R. 14827) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1928, and for other purposes, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Michigan calls up the conference report on the bill H. R. 14827 and asks unanimous consent that the statement may be read in lieu of the report.

Mr. EDWARDS. Mr. Speaker, reserving the right to object, what bill is this, may I ask?

Mr. CRAMTON. The Interior Department appropriation bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Following is the conference report and accompanying statement:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14827) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1928, and for other purposes having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 7, 8, 10, 11, 12, 13, 14, 15, and 27.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 33, 34, 35, and 36, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$107,000, of which \$42,500 shall be for the Bureau of Education"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,210,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$900,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "heretofore paid for the said governor and said chief and \$2,000 for the said mining trustee"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,160,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For fees and mileage of examining surgeons engaged in the examination of pensioners, for services rendered within the fiscal years 1927 and 1928, \$450,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$25,000, of which \$600 shall be immediately available"; and the Senate agree to the same.

The committee of conference have not agreed on amendment numbered 37.

LOUIS C. CRAMTON,  
FRANK MURPHY,  
EDWARD T. TAYLOR,

*Managers on the part of the House.*

REED SMOOT,  
CHARLES CURTIS,  
WM. J. HARRIS,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14827) making appropriations for the Interior Department for the fiscal year ending June 30, 1928, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1: Appropriates \$366,600 for salaries under the office of the Secretary, as proposed by the Senate, instead of \$360,000 as proposed by the House.

On No. 2, relating to printing and binding for the department: Appropriates \$107,000, instead of \$100,000, as proposed by the House, and \$114,000, as proposed by the Senate, and makes \$42,500 of the sum available for the Bureau of Education.

On No. 3: Restores the House language, stricken out by the Senate, which provides that none of the appropriation of \$800,000 for surveying public lands shall be available for expenditure in any State which under the act of August 18, 1894 (28 Stat. p. 395), advances money to the United States for such purposes.

On No. 4: Accepts the House language providing for report of certain diversions of appropriations in the annual Budget.

On No. 5: Corrects a typographical error.

On No. 6: Appropriates \$3,210,000 for nonreservation boarding schools, instead of \$3,228,500 as proposed by the Senate and \$3,185,000 as proposed by the House.



On Nos. 7 and 8: Appropriates \$60,000 for the construction of the Yakima Sanatorium for treatment of tubercular Indians, as proposed by the House.

On No. 9: Appropriates \$900,000 for general support and civilization of Indians, instead of \$925,000 as proposed by the Senate and \$870,000 as proposed by the House.

On Nos. 10, 11, and 12: Appropriates \$40,000 of tribal funds for support and civilization of Flathead Indians, as proposed by the House, instead of \$20,000, as proposed by the Senate.

On Nos. 13, 14, 15, and 16: Provide one mining trustee to serve jointly the Choctaw and Chickasaw Nations, as proposed by the House, instead of one trustee for each nation, as proposed by the Senate; provide a salary of \$2,000 for such trustee, as proposed by the Senate, instead of \$4,000, as proposed by the House; and provide a salary of \$3,000, as heretofore, for the governor of the Choctaw Nation, instead of \$2,000, as proposed by the Senate.

On No. 17: Appropriates \$1,160,000 for salary roll for the Bureau of Pensions, instead of \$1,190,000, as proposed by the Senate, and \$1,132,460, as proposed by the House.

On No. 18: Appropriates \$130,000 for travel expenses, Bureau of Pensions, as proposed by the Senate, instead of \$100,000, as proposed by the House.

On No. 19: Appropriates \$450,000 for fees and mileage of examining surgeons, Bureau of Pensions, instead of \$500,000, as proposed by the Senate, and \$400,000, as proposed by the House, and accepts the Senate language.

On Nos. 20 and 21: Accept the Senate language specifically mentioning salary of Commissioner of Reclamation.

On Nos. 22, 23, and 24: Appropriates \$23,000 for office expenses, Bureau of Reclamation, in the District of Columbia, as proposed by the Senate, instead of \$20,000, as proposed by the House, and make a separate and additional appropriation of \$2,000, as proposed by the Senate, for attendance at conventions, instead of including that amount for that purpose in the appropriation for such office expenses, as proposed by the House.

On No. 25: Appropriates \$25,000 for office expenses of the chief engineer, Bureau of Reclamation, as proposed by the Senate, instead of \$20,000, as proposed by the House.

On No. 26: Appropriates \$50,000 for personal services, field legal offices, Bureau of Reclamation, instead of \$48,000, as proposed by the House.

On No. 27: Appropriates \$20,000 for printing, binding, etc., Bureau of Reclamation, as proposed by the House, instead of \$30,000, as proposed by the Senate.

On No. 28: Reappropriates unexpended balance for Yuma auxiliary project, as proposed by the Senate.

On No. 29: Appropriates \$50,000, as proposed by the Senate, for survey and examination of water-storage reservoir sites on the headwaters of the Truckee River.

On No. 30: Accepts Senate language concerning Utah Lake control on the Salt Lake Basin project.

On No. 31: Corrects total.

On No. 32: Appropriates \$25,000 for national monuments, instead of \$23,230, as proposed by the House, and \$25,030, as proposed by the Senate, and makes \$600 of the sum immediately available.

On No. 33: Appropriates \$2,000,000, as proposed by the Senate, instead of \$1,500,000, as proposed by the House, for construction of roads in national parks.

On No. 34: Accepts Senate language as to traveling expenses of employees transferred from one post of duty to another in the National Park Service.

On No. 35: Limits to use for capital expenditures \$400,000 of the appropriation for the Alaska Railroad, as proposed by the Senate, instead of \$500,000, as proposed by the House.

On No. 36: Corrects clerical error.

The committee of conference have not agreed upon the following amendment of the Senate:

On No. 37: Howard University.

LOUIS C. CRAMTON,

FRANK MURPHY,

EDWARD T. TAYLOR,

*Managers on the part of the House.*

Mr. CRAMTON. Mr. Speaker, the statement which accompanied the report and which has been read, sets forth very definitely and fully the changes in the bill and the results of the conference. Due to the fact that the Navy appropriation bill is to follow, it is not my desire to stand in the way of the progress of that important measure. I do not plan to take any special amount of time now in discussing the report. Of course, I will desire to answer any questions that may be asked with reference to it.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. CRAMTON. Yes.

Mr. McKEOWN. I would like to inquire as to the change in reference to the mining trustees. I notice the Senate cut out one of them.

Mr. CRAMTON. You mean of the Choctaw and Chickasaw Nation?

Mr. McKEOWN. Yes.

Mr. CRAMTON. As the measure passed the House it was in the form that it has held for several years. It provided that the governor of the Chickasaw Nation and the chief of the Choctaw Nation and one mining trustee for the two nations should receive the salaries heretofore paid them. That salary was \$3,000 for the governor, \$2,000 for the chief, and \$4,000 for the mining trustee. In the Senate an amendment was adopted that provided for two trustees, one for each tribe, each to be paid \$2,000. I should have stated that the \$4,000 heretofore paid had been divided, \$3,000 by the Choctaws and \$1,000 by the Chickasaws. As a matter of fact, the position is not a very arduous one, and even with one man on the job it was very easy money. The Senate amendment not only provided for two instead of one, but provided for a salary of \$2,000 for each. While this would have provided two jobs where there has been one before, it would have increased the burden \$1,000 on one tribe and decreased the burden \$1,000 on the other tribe. Furthermore, I think unintentionally, but nevertheless effectually, the Senate amendment would have decreased the salary of the governor of the Choctaws from \$3,000 to \$2,000, which the conferees understood was not desirable.

The conference report leaves the governor's salary and the salary of the chief undisturbed, leaves one mining trustee to serve the two nations, but pays that trustee only \$2,000 instead of \$4,000, as heretofore, or \$2,000 each, as was proposed by the Senate for each one.

Mr. McKEOWN. The only difference, then, is there will be one less trustee?

Mr. CRAMTON. As compared with existing arrangements, it is the same except there is a \$2,000 salary instead of \$4,000, and it relieves the Indians' funds to that extent. The following is the statement given me by the Bureau of Indian Affairs concerning this:

#### AMENDMENTS 13, 14, 15, AND 16

The above-mentioned amendments provide in lieu of a mining trustee for the Choctaw and Chickasaw Nations a mining trustee for the Choctaw Nation and a mining trustee for the Chickasaw Nation and fixes their salaries at \$2,000 each. There are at present 60,000 acres of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations leased for coal and asphalt mining purposes. In the agreement of the United States with the Choctaw and Chickasaw Nations in Oklahoma set forth in section 29 of the act of Congress approved June 28, 1898 (30 Stat. L. 495-505-510), it was provided, relative to the Choctaw and Chickasaw tribal coal and asphalt lands, that such coal and asphalt mines as were then in operation and all others which might thereafter be leased and operated, should be under the supervision and control "of two trustees, who shall be appointed by the President of the United States, one on the recommendation of the principal chief of the Choctaw Nation, who shall be a Choctaw by blood, whose term shall be for four years, and one on the recommendation of the governor of the Chickasaw Nation, who shall be a Chickasaw by blood, whose term shall be for two years; after which the term of appointees shall be four years." It was further provided that "their salaries shall be fixed and paid by their respective nations."

The above-mentioned law, providing for two trustees, was modified by the act of Congress approved June 5, 1924 (43 Stat. L. 398), which act reduced the number of coal and asphalt mine trustees to one.

Mr. Robert E. Lee, a Choctaw Indian by blood, of Idabel, Okla., was appointed by the President on April 19, 1926, to be the coal and asphalt mine trustee for the Choctaw and Chickasaw Nations in Oklahoma for a term of four years at a salary of \$4,000 per annum, to be paid three-fourths from the funds of the Choctaw Nation and one-fourth from the funds of the Chickasaw Nation. The segregated coal and asphalt land is principally within the Choctaw Nation, and the Choctaw Nation owns a three-fourths interest therein and the Chickasaw Nation a one-fourth interest therein. The effect of amendments 13, 14, 15, and 16 will be to restore the number of mining trustees for the Choctaw and Chickasaw Nations to that provided for in the above-mentioned agreement of the United States with those tribes, reducing, however, their salaries from \$4,000 per annum to \$2,000 per annum.

Mr. SNELL. Will the gentleman yield for a question?

Mr. CRAMTON. Yes.

Mr. SNELL. I notice this increases the salaries in the office of the Secretary from \$360,000 to \$366,600.

Mr. CRAMTON. There were some transfers involved in the salary roll of the office of the Secretary. The transfer of 22 employees from the office of pensions to the salary roll of the Secretary's office the House approved, and corrected the figures accordingly in each case. Certain proposed transfers from the Park Service and the Indian Service to the salary roll of the Secretary's office the House did not approve, so the total Budget figure requires some adjustment.

Mr. SNELL. Then it is simply a transfer?

Mr. CRAMTON. No. The Budget figure for the salary roll of the Secretary's office, these transfers being eliminated, was \$366,600. There had been some rather loose talk about eliminating some positions in the Secretary's office which our committee took seriously, and attempted to reduce the roll to \$360,000, but the office of Secretary protested, and the Senate went back to the Budget figure and the conferees accepted the Budget figure which is for the existing roll of the office.

Mr. SNELL. So we did not make any reductions whatever?

Mr. CRAMTON. No; not in the Secretary's office.

Mr. SNELL. I would also like to ask the gentleman about the appropriation for roads and trails in public parks.

Mr. CRAMTON. That is the most important change made in the bill by the Senate. The Senate have added \$500,000 to the amount recommended by the Budget and the amount approved by the House, and the conferees have approved that action. That increase, however, is perhaps more apparent than real, by reason of the fact that the House action taken with reference to the authorization to contract, increasing that authorization from \$1,500,000 to \$2,500,000, was an expression of policy by the House, and our committee had fully expected that would be followed by a supplemental estimate from the Budget in the amount of one-half million dollars. We had not been told that would be done, but we had reason to think it would be done.

Mr. SNELL. And this is no more than you really had expected eventually to appropriate?

Mr. CRAMTON. Yes. The Senate proceeded without waiting for that estimate to come in.

Mr. SNELL. I knew this was different from what we had in mind originally when this bill was passed.

Mr. CRAMTON. I should say that the bill as now determined upon in conference, with the exception of the Howard University item—

Mr. SNELL. We expected that, anyway.

Mr. CRAMTON. The Howard University item is not acted on yet, but eliminating that, the present bill is \$732,910 above the House bill, \$500,000 of that being due to the item for park roads, and \$50,530 below the Senate figure. It would have been more below the Senate figure—there were more cuts made than that—but there was \$80,000 of cuts made in the House bill in the Senate which were restored in conference.

One of the two items was \$60,000 for the Yakima Sanatorium for the treatment of tubercular Indians, a very desirable item which was recommended by the Budget and put in by the House, but which the Senate had eliminated. On this the Senate receded. The following statement, given me by the Bureau of Indian Affairs concerning this, will be of interest:

#### AMENDMENT 3

The proposed sanatorium at Yakima, Wash., for which \$60,000 is requested, is for the benefit of cases of tuberculosis among approximately 18,000 Indians of the extreme Northwest. The nearest sanatoria provided at this time are at Fort Lapwai, Idaho, Pyramid Lake, Nev., with a small agency sanatorium at Miles, Wash., near Spokane, which serves the Colville agency specifically. The institutions referred to invariably run to capacity, and there is great need for the establishment of a sanatorium for the treatment of this disease at this point.

Among the white population generally throughout the country, sufferers from advanced cases of tuberculosis object greatly to going long distances from home to receive sanatorium treatment. Under such conditions extreme homesickness, as a rule, affects such patients and militates greatly against the arrest of the disease or the recovery of such patients. The Indians, to a greater degree than white people, object to being hospitalized, particularly for long periods of time, at long distances from their homes. The incidence of tuberculosis is very high in this section of the country and the segregation and care of cases of this disease will aid materially in preventing its spreading among younger Indians and children, and particularly where sanitary conditions in the average Indian home are favorable to its propagation.

A tuberculosis sanatorium at Yakima will fill a long-felt need and the Indians will respond readily to being hospitalized, in view of the fact that it will not take them to a great distance from home. There

are no hospital facilities at Yakima at the present time, and there are in excess of 3,000 Indians on that reservation who will benefit directly from such a sanatorium.

Due to lack of facilities for the hospitalization of this type of case in that general vicinity, it has been thought that the plant now existing at Yakima would provide the greatest amount of facilities for the expenditure involved than any other proposition. Some of the present buildings are in poor condition, others, notably the girls' dormitory, with a capacity of 67; the boys' dormitory, with a capacity of 64; employees' club, etc., are reported as in good condition and capable of being reconditioned for use as a tuberculosis sanatorium at a cost not in excess of the facilities to be provided. The location is believed to be very desirable, being situated at the foot of the mountains and the buildings located in a grove of large oak trees. The climate is mild and dry, with plenty of sunshine. Fort Simcoe is centrally located with respect to the Indian population of the Pacific Northwest, and reports indicate that it is the most feasible location now available for use as a tuberculosis sanatorium for that part of the country.

The expensive items in connection with its rehabilitation have largely to do with providing an adequate water supply and heating and lighting systems, the estimates for which are approximately \$14,000 for a water system, \$5,000 for an electric-lighting system, \$2,500 for the heating system for one building, the balance of the sum asked for to be used in the rehabilitation of the dormitory buildings, employees' club, equipment, etc. This plant would be capable of expansion once the water, lighting, and heating systems are established, at a reduced cost. The drainage is good and the present sewer system is good and in working order.

There is sufficient good land near the present site for vegetable gardens for early vegetables, as well as an 80-acre tract which could be utilized as a dairy and poultry farm, which would operate to materially reduce the operation costs of such an institution.

Individuals and organizations having the interests of the northwest Indians at heart are frequently calling the attention of this bureau to the urgent need of a tuberculosis sanatorium in this territory to combat the spread of this dread disease, which, as stated above, is very prevalent in this section of the country.

"Fort Simcoe" is the name of the Indian school which was formerly operated at this plant.

The Senate had further reduced the amount of the tribal funds to be used for administrative and other purposes of the Flathead Indian Reservation from forty to twenty thousand dollars, and the Senate receded. The Bureau of Indian Affairs advised me as follows concerning this amendment:

#### FLATHEAD TRIBAL FUNDS

The Indians of this reservation number approximately 2,726. On June 30, 1926, they had about \$158,494 in the United States Treasury derived from tribal timber sales. The agency is almost entirely supported from such funds. The appropriation therefrom for the fiscal year 1927 is \$40,000, and this amount was allowed by the Budget and the House for 1928, but the Senate reduced the item to \$20,000.

The net salary list chargeable to this fund is \$18,260, while \$9,500 will be required for annual estimate supplies, including rations for old Indians, hospitalization of indigents, fuel, and forage. Travel expenses of the superintendent and employees will absorb approximately \$1,500; freight, \$1,000; repairs and alterations, \$2,500; equipment, \$1,500; and unforeseen expenditures, the balance of the \$40,000 requested and allowed by the House. (See The Budget, 1928, p. 568.)

This item covers only absolute necessities for the proper and efficient conduct of our current activities at Flathead; and if only \$20,000 is appropriated, we will have to curtail the work there about 50 per cent, as the \$20,000 is little more than enough for the salaries of regular employees chargeable thereto, which leaves practically nothing for annual-estimate supplies, rations for old Indians, medical and hospital purposes, and the other expenses necessarily incident to the operation of an agency of this size and which looks after nearly 3,000 Indians. Such a sudden and drastic reduction in the customary activities at Flathead as will follow a 50 per cent cut in the appropriation will probably result in considerable hardship among the Indians. Particularly is this true as to rations for old Indians and the hospitalization of indigents, for which latter purpose the superintendent's budget authority for the current fiscal year carries an item of \$2,000, as we have no Government Indian hospital at Flathead, which makes it necessary to utilize outside facilities of this nature.

In addition to that, the bill as it now stands, if the conference report is adopted, will be approximately half a million dollars below the Budget figures. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the conference report.



The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. In connection with that I will put in a tabulation which shows the effect of the changes made in con-

ference to the various items. It should be stated that the bill was accepted very largely by the Senate as passed by the House, having made only 37 amendments in a bill of 99 pages, those 37 amendments including corrections of totals and typographical and clerical errors. The table follows:

Statement of Senate amendments involving appropriations, showing effect of action of conferees thereon

Amendment No.	Subject	Budget	Amount appropriated by House	Amount appropriated by Senate	Agreed amount	Increase (+) or decrease (-) agreed amount compared with House figure		Increase (+) or decrease (-) agreed amount compared with Senate figure	
						Reclamation fund	General	Indian tribal funds	General
1	Salary roll, office of Secretary.....	\$366,600	\$366,000	\$366,600	\$366,600		+\$6,600		
2	Printing and binding.....	114,000	100,000	114,000	107,000		+7,000		-\$7,000
6	Indian boarding schools.....	3,185,000	3,185,000	3,228,000	3,210,000		+25,000		-18,500
7, 8	Yakima Sanatorium.....	60,000	60,000		60,000				+60,000
9	Indians, general support and civilization.....	\$225,000	\$70,000	\$225,000	\$900,000		+30,000		-25,000
10, 11, 12	Flathead Indians, general support and civilization.....	40,000	40,000	20,000	40,000			+\$20,000	
17	Salaries, Pension Bureau.....	1,290,000	1,132,460	1,190,000	1,160,000		+27,540		-30,000
18	Travel expenses, Bureau of Pensions.....	130,000	100,000	130,000	130,000		+30,000		
19	Fees, examining surgeons, Bureau of Pensions.....	500,000	450,000	500,000	450,000		+50,000		-50,000
22, 23, 24	Expenses, Bureau of Reclamation in District of Columbia.....	(1)	20,000	25,000	25,000	+\$5,000			
25	Expenses, Bureau of Reclamation, Denver office.....	(1)	20,000	25,000	25,000				
26	Personal services, Bureau of Reclamation, field legal offices.....	(1)	48,000	50,000	50,000				
27	Printing and binding, Reclamation Bureau.....	(1)	20,000	30,000	20,000				
29	Truckee River survey.....			50,000	50,000	+50,000			
32	National monuments.....	23,230	23,230	25,030	25,000		+1,770		-30
33	National park roads.....	1,500,000	1,500,000	2,000,000	2,000,000		+500,000		
Total, increase or decrease.....						+55,000	+677,910	+20,000	-70,530

<sup>1</sup> Exclusive of certain proposed transfers not approved by committee.  
<sup>2</sup> Including salary roll under "General expense" item.

<sup>3</sup> Items were not segregated.  
<sup>4</sup> Limitations only, which do not affect total of the bill.

Total, all funds above House figure, \$732,910.  
 Total, all funds below Senate figure, \$50,530.

Mr. COLTON. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. COLTON. Do I understand the gentleman to say that the amount appropriated here will enable the department to carry on its program of road building in the parks without a supplemental appropriation?

Mr. CRAMTON. We do not anticipate a supplemental estimate for 1927 and 1928. My own feeling is, and it is the feeling of our committee, that a proper program in the future would involve an appropriation of two and a half million dollars a year, with authority to contract for a million and a half in addition. So that the cash available would be larger than the authority to contract instead of the present situation, where the authority to contract is larger than the appropriation.

Mr. COLTON. I agree with the gentleman, and that is my reason for asking the question.

Mr. CRAMTON. The gentleman will be interested to know that this increase makes possible a very early beginning of one of the most important scenic highways in America, the Mount Carmel Road in Zion National Park, and also the building of the south and west road in Mount Rainier Park.

Amendment 29, added by the Senate and accepted by the House conferees, is the same amendment as was offered in the House by the gentleman from Nevada [Mr. ARNTZ] when the bill was under consideration here. There was not then opportunity for full consideration of it and no expression from the department. In view of the following letter from the department the House conferees accepted the amendment:

THE SECRETARY OF THE INTERIOR,  
 Washington, December 27, 1926.

Hon. LOUIS C. CRAMTON,  
 House of Representatives.

MY DEAR MR. CRAMTON: In response to your request over the telephone concerning the department's attitude with regard to the item of \$50,000 proposed to be included in the appropriation act for the Bureau of Reclamation, Department of the Interior, for the fiscal year 1928 for investigations on the Truckee River in California and Nevada, the following statement is submitted:

The construction of the Spanish Springs reservoir has been indefinitely postponed chiefly because of insufficient water supply. The extremely low run-off during 1924 and 1925 has served to emphasize the shortage and to indicate that the construction of a reservoir of this capacity and cost is not justified. The construction of a small reservoir at this point is not feasible because of excessive cost.

There is, and for some years has been, a shortage of water supply for the lands tributary to the Truckee Canal located on what are known as the Fernley and Swingle benches. There are about 7,200 acres of land under this canal now under water right and other areas tributary to the canal for which water rights have not been sold. These areas are within the limits of the Truckee division of the New-

lands project. One of the main functions of the proposed Spanish Springs reservoir was to furnish the additional water supply necessary for the Truckee Canal lands.

The landowners in the Truckee Meadows near Reno have expressed a desire to secure additional stored water, and the present plan now is to investigate the possibility of constructing one or more small reservoirs on the upper reaches of the Truckee River to furnish water for the Truckee Meadows lands and for those under the Truckee Canal. It is possible that by this arrangement cheaper storage may be provided for the Truckee lands and at the same time allay some of the opposition which has heretofore developed on the part of the Truckee Meadows people to the construction of the Spanish Springs reservoir.

Doctor Mead, of the Bureau of Reclamation, estimates that \$50,000 should be sufficient to make full investigation and report and recommends appropriation of this amount for the purpose stated. The department concurs in this recommendation.

Very truly yours,

E. C. FINNEY, Acting Secretary.

While I have the floor I should like to call to the attention of the House recent desirable developments in connection with water transportation to Alaska. Certain language was inserted in the item for the Alaska Railroad by our committee intended to make it possible for the Alaska Railroad management to deal with the need for increased water-transportation connection.

Since the bill passed the House I have had this word under date of December 23, 1926, from Noel W. Smith, general manager of the Alaska Railroad:

You may be interested in knowing that I have just received word from the Alaska Steamship Co. that they have been advised by the Pacific Steamship Co. that that company will start a weekly steamship service between Seattle and Seward commencing about April 1. Prior to this time the Pacific Steamship Co. has had service every two weeks.

The Alaska Steamship Co. advise that they have purchased a new steamship of somewhat the same type as their present *Yukon*, which is larger than the *Northwestern*. This new boat will be put in service instead of the *Northwestern* and will slightly increase their passenger-carrying capacity. It will also allow them to use the *Northwestern* for special excursions if any can be worked up.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

Mr. CRAMTON. Mr. Speaker, there is one amendment not being authorized by existing law that the conferees did not agree upon and is brought back for a separate vote. That is amendment 37.

The SPEAKER. The Clerk will report the amendment in disagreement.

The Clerk read as follows:

HOWARD UNIVERSITY

Salaries: For payment in full or in part of the salaries of the officers, professors, teachers, and other regular employees of the university, the balance to be paid from privately contributed funds, \$150,000, of which sum not less than \$2,200 shall be used for normal instruction.

General expenses: For equipment, supplies, apparatus, furniture, cases and shelving, stationery, ice, repairs to buildings and grounds, and for other necessary expenses, including \$17,600 for payment to Freedmen's Hospital for heat and light, \$68,000.

Mr. CRAMTON. Mr. Speaker, I move to recede and concur in the Senate amendment, with an amendment thereto, as follows:

The Clerk read as follows:

Strike out all of the Senate amendment and insert in lieu thereof the following:

"HOWARD UNIVERSITY

"Salaries: For payment in full or in part of the salaries of the officers, professors, teachers, and other regular employees of the university, the balance to be paid from privately contributed funds, \$150,000, of which sum not less than \$2,200 shall be used for normal instruction.

"General expenses: For equipment, supplies, apparatus, furniture, cases and shelving, stationery, ice, repairs to buildings and grounds, and for other necessary expenses, including \$17,600 for payment to Freedmen's Hospital for heat and light, \$68,000.

"For the construction of one additional dormitory building for young women, \$150,000."

Mr. CRAMTON. Mr. Speaker, I should explain that the amendment which I have offered is the same as the Senate amendment except that, in addition to the items restored by the Senate, my proposal restores also the \$150,000 for the girls' dormitory. In other words, the amendment which I have offered is exactly the language of the Budget, is exactly as were these provisions in the bill as reported to the House by the committee, but adds \$150,000 for constructing a girls' dormitory beyond what the Senate provisions took care of.

Now, if there is no request for time to discuss this amendment, I move the previous question on the amendment and all amendments thereto.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Michigan to recede and concur with an amendment.

The motion was agreed to.

On motion of Mr. CRAMTON, a motion to reconsider the vote was laid on the table.

Mr. CRAMTON. Under leave given to extend my remarks I insert the following table comparing appropriations for the Interior Department, year by year, 1916 to 1928, inclusive, segregating as to appropriations from the tribal funds for benefit of the Indians, from the Federal Treasury for the Indians, but reimbursable, gratuity appropriations for the Indians, appropriations for payment of Army and Navy pensions, appropriations from the reclamation fund, all other appropriations, and the totals. The figures here given for 1928 include the appropriation for Howard University just approved by the House. The table follows:

Annual appropriations under the Department of the Interior, including deficiencies, fiscal years 1916-1928  
[Exclusive of permanent and indefinite appropriations]

	Indian tribal funds	Indian reimbursable appropriations	All other Indian appropriations	Army and Navy pensions	Reclamation	All other Interior appropriations	Total
1928	\$2,301,800.00	\$2,002,125.00	\$9,286,810.00	\$221,000,000.00	\$11,793,800.00	\$16,167,285.00	\$262,551,820.00
1927 <sup>1</sup>	2,354,520.00	2,412,500.00	10,488,660.00	193,000,000.00	7,556,000.00	13,866,258.00	229,669,938.00
1926 <sup>2</sup>	2,135,010.00	1,589,178.00	13,720,303.55	197,000,000.00	12,349,000.00	20,924,109.00	247,717,600.55
1925	2,612,700.00	1,555,600.00	9,656,420.00	222,500,000.00	11,106,289.00	19,215,518.00	266,736,527.00
1924	2,406,600.00	2,179,850.00	9,458,854.00	253,000,000.00	12,250,000.00	21,598,534.00	300,896,838.00
1923	2,483,573.00	1,041,466.00	9,383,720.00	268,000,000.00	15,075,000.00	22,710,520.00	318,694,279.00
1922	2,716,921.00	1,249,005.00	8,724,170.00	265,000,000.00	20,266,000.00	20,160,758.00	318,116,854.00
1921	1,415,165.00	1,450,830.00	9,268,513.00	279,000,000.00	8,463,000.00	21,972,532.00	321,570,040.00
1920	1,531,817.00	2,173,833.00	9,160,629.00	215,000,000.00	7,300,000.00	24,071,669.00	259,237,948.00
1919	1,750,000.00	2,133,583.00	8,982,753.00	223,000,000.00	9,497,080.00	20,365,644.00	265,729,060.00
1918	1,291,117.00	2,029,500.00	9,818,295.00	183,000,000.00	8,227,000.00	28,396,245.00	232,762,157.00
1917	1,263,250.00	1,921,986.00	9,045,658.00	163,000,000.00	8,884,000.00	18,275,465.00	202,390,359.00
1916	665,000.00	518,740.00	9,253,162.00	164,000,000.00	13,530,000.00	15,120,077.00	203,086,979.00

<sup>1</sup> Does not include appropriations for the Patent Office and the Bureau of Mines, which have been transferred to the Department of Commerce.

<sup>2</sup> Anticipated deficiency for 1927, due to increased rates effective Aug. 4, 1926, Civil War and Spanish American War pensioners, is expected to add \$41,000,000 to this amount.

<sup>3</sup> Includes \$4,773,160 appropriated for the Patent Office and the Bureau of Mines transferred to the Department of Commerce July 1, 1925.

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15641) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1928, and for other purposes. Pending that motion, I ask to have an understanding in the matter of the control of the time for general debate. So far as the time itself is concerned, there has been considerable demand, and probably the entire day will be consumed in general debate. Because of that fact, I suggest that we defer fixing the time for closing general debate until later on in the afternoon.

Mr. AYRES. Mr. Speaker, I have had several requests for time on this side, and I think the suggestion of the gentleman from Idaho is a wise one.

Mr. FRENCH. Then, Mr. Speaker, I ask unanimous consent that the time for general debate be controlled one-half by the gentleman from Kansas [Mr. AYRES] and one-half by myself.

The SPEAKER. The gentleman from Idaho asks unanimous consent that the time for general debate be equally divided, one-half to be controlled by the gentleman from Kansas [Mr. AYRES] and one-half by himself. Is there objection?

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, and I shall not object to the division of time, but am making the reservation for the purpose of asking the distinguished chairman whether he knows when this formidable document containing the hearings before the subcommittee of the House Committee on Appropriations in charge of the Navy Department appropriation bill for 1928, consisting of some eight hundred and odd pages, was ready for distribution to Members of the House?

Mr. FRENCH. Mr. Speaker, it was ready for distribution yesterday when this bill was reported.

Mr. JOHNSON of Washington. How long does the distinguished gentleman from Idaho think it would take the average Member of the House to read the 800 pages of printed matter contained in this document, the answers and the questions and the tables and the statements of admirals and others, with relation to the Navy, its condition and its needs? What would be a reasonable time for the reading of the 800-page document which is filled with information upon matters that are vital to every Member of the House?

Mr. FRENCH. Of course, it would take a considerable time to read the report, and it would take a considerable time to study the report. The hearings are intended to be rather encyclopedic, furnishing information on many particular subjects in which a Member might be interested.

Mr. JOHNSON of Washington. I was myself anxious to look at a little item in connection with the Naval Academy, and upon examining the report of the hearings, a copy of which I was unable to procure until to-day, I find that the Naval Academy matters are touched on in the hearing in not less than 15 different places, ranging all the way from page 86 to away up to page 285. It will be quite a little task to go through this document and try to dig out what I want to learn in regard to the Naval Academy, a matter that is not likely to be touched upon in general debate at all.

Mr. FRENCH. Generally speaking, may I say that the committee follows the policy of organizing the subject and of outlining it, and on the whole I think the gentleman will recognize that the subject is very carefully outlined; then we bring the subject matters that are discussed together, although there may be an interval of several days between the times in which the



hearings are held. Sometimes it happens that we must go to print with a part of the hearings, and let other parts follow along. Of course, it is unfortunate that at any time there should be consideration of subjects not in one compact place. We have done the best we could. I think the index to the hearings will supply the deficiency that possibly exists in the arrangement of the subjects.

Mr. JOHNSON of Washington. Then I take it that it is the thought of the chairman to try and have a compact debate in one compact day and thus relieve the general membership of the House of the necessity of reading the 800 pages of testimony?

Mr. FRENCH. The gentleman from Idaho hopes that the Members of the House will have a great deal of confidence in the members of the committee who present the subject. We are not asking that the debate be closed to-day.

Mr. JOHNSON of Washington. We do have that confidence of which the gentleman speaks, but I notice, incidentally, that at this moment the assistant to the distinguished chairman of the subcommittee has just taken his place at the table with about a half wheelbarrow load of additional documents, all compact and all important, I feel quite sure. I hope that I am not trespassing too much upon the time of the distinguished leader who wants to get ahead with the appropriation bills, but I shall take just enough time to state that in my opinion the making of appropriation bills in these committees by small subcommittees, with a copy of the Budget in their hands 40 days ahead of the time when a copy of the Budget is in the hands of the other 400 Members of Congress, coupled with a determination and desire upon their part to press the appropriation bills through with as much speed as possible, is an unfortunate practice. There is a hiatus in the proceedings. We who are not on the subcommittee are not in a fair way to ascertain what the Navy Department—or any other department for that matter—really asked for when it first went to the Budget. Members of Congress can not be informed upon every subject, and it is unfortunate that they have not time either to read the hearings or to sit in the committee room when they are held, to do either of which is vital to a proper understanding of the appropriations and what is going on in the way of appropriations. It seems that there might be some way by which Members who are not members of the Appropriations Committee might help that committee without appearing to be in the rôle of interlopers or of obstructionists or of particular opposition to any particular Budget program. I take it that the Budget Bureau does not really intend to be a body superior to Congress itself.

Mr. AYRES. Mr. Speaker, I demand the regular order.

Mr. JOHNSON of Washington. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Idaho that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15641, the naval appropriation bill, with Mr. CHINDBLOM in the chair.

The Clerk reported the title of the bill.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FRENCH. Mr. Chairman and gentlemen of the committee, in making a general statement on the naval appropriation bill, I am going to follow the course that I followed two years ago, rather than the course that I followed a year ago, and ask the opportunity of making a general statement on the bill without interruption, after which I shall be glad to be interrogated, if there is anyone who compliments me enough to want to ask a question. Also, I suggest that under the five-minute rule it is my thought to be very generous in debate, and that we may at that time, when we have the particular subject matter before us, answer the interrogations that will be pertinent to the immediate subject.

The Navy appropriation bill is necessarily one of the greatest of the supply bills that come before the Congress, and this year it carries in direct and indirect appropriations the amount of \$324,394,680, as against \$334,074,575 in the current year. At

this point I insert in my remarks a short table showing the direct and indirect appropriations to which I have referred:

	Appropriated, 1927, including deficiency and supplemental appropriations	Estimated, 1928	Proposed, 1928
Direct appropriations:			
Navy Department.....	\$4,289,570	\$4,184,800	\$4,289,830
Naval service.....	315,628,005	310,518,850	310,262,850
Total.....	319,917,575	314,703,650	314,552,680
Indirect appropriations, naval service.....	5,000,000	4,000,000	4,000,000
Contract authorizations, naval service.....	9,082,000	5,000,000	5,000,000
Reappropriation, naval service.....	75,000	12,000	842,000
Grand total.....	334,074,575	323,715,650	324,394,680

<sup>1</sup> Exclusive of \$1,115,000, more in the nature of a bookkeeping transaction.

The moneys for the current year to which I have referred include not only the appropriations carried in the appropriation bill of a year ago, but also the supplemental appropriations that were carried in deficiency bills; and in that connection we must look ahead to certain supplemental estimates that probably will come to the Congress and will need to be included in the Budget before this Congress shall adjourn for the fiscal year 1927 or for 1928.

It is very possible, for instance, that authorization will be made for increase of limit of cost on the two aircraft carriers, and if so that will require, in a rough way, \$3,500,000.

Your committee has no authority to bring in recommendations of money for that purpose at this time. We understand also that certain deficiency estimates in connection with submarine modifications will come in that will aggregate, possibly, another \$1,250,000. We understand that, possibly, estimates will come in, assuming that there will be legislative authorization, for the modernization of a couple of the older battleships, and if that should be done it will again claim another appropriation that will probably run into seven figures.

I mention these things now so that you will not think that the problem is solved, when you may pass this appropriation bill, so far as moneys may be concerned.

We have heard a great deal during the last several days about the state of the Navy, the ships that we have in comparison with the ships of other navies, and only the other day the statement was carried in the newspapers of a speech delivered in another body in which it was declared that if we should have one more limitation of armament conference we would have no Navy at all.

Of course, such statements are calculated largely for propaganda purposes. Such statements as that are inaccurate. They oftentimes do not do justice to the ordinary candor of those who make them.

I want at this time to place in the RECORD a statement showing the allocation of the ships of the United States Navy during the current year 1927 and during the proposed year 1928, the types of the different ships, and it will appear that we appropriate in this bill money to care for 320 ships of the United States Navy for 1928 in commission, apart from vessels assigned to shore activities:

	Vessels in commission		Vessels not in commission		Vessels assigned to shore activities in commission		Total	
	1927	1928, proposed for	1927	1928	1927	1928	1927	1928
Battleships:								
First line.....	15	16					18	18
First line (reduced commission).....	3	2						
Cruisers, second line.....	4	2	6	8	1	1	11	11
Light cruisers:								
First line.....	10	10					10	10
Second line.....	3	2	8	9			11	11
Aircraft carriers:								
First line.....	12	2					2	2
Second line.....	1	1					1	1
Mine layers, second line.....	2	2	2	2			4	4

<sup>1</sup> Reduced commission, floating oil storage.

<sup>2</sup> Not yet completed.

	Vessels in commission		Vessels not in commission		Vessels assigned to shore activities in commission		Total	
	1927	1928, proposed for	1927	1928	1927	1928	1927	1928
Destroyers:								
First line.....	103	103	156	156	3	3	262	262
Second line.....			8	8			8	8
Light mine layers.....	6	6	8	8			14	14
Submarines:								
First line.....	48	48	2	2			50	50
Second line.....	29	29	36	36			65	65
Fleet submarines, first line.....	4	5	2	2			6	7
Patrol vessels:								
Eagles.....	3		34	37	16	16	53	53
Gunboats.....	12	12	1	3			13	13
Converted yachts.....	6	6	2	2			8	8
Subchasers.....			5	4	25	23	30	27
Auxiliaries:								
Destroyer tenders.....	6	6	3	3			9	9
Submarine tenders.....	7	6	2	3			9	9
Aircraft tenders.....	1	1					1	1
Repair ships.....	2	2	1	1			3	3
Store ships.....	2	2	3	3			5	5
Colliers.....	1	1	4	4			5	5
Oilers.....	9	9	9	9	12	12	20	20
Ammunition ships.....	1	1	1	1			2	2
Cargo ships.....	3	3	3	3			6	6
Transports.....	2	2					2	2
Hospital ships.....	2	2	1	1			3	3
Ocean tugs.....	7	7	11	11	19	19	37	37
Mine sweepers.....	24	27	11	11	8	5	43	43
Miscellaneous.....	5	5					5	5
Unclassified:								
Ferryboats and launches.....			9	9	22	22	31	31
Ambulance boats.....					21	21	21	21
District patrol vessels.....			1	1	2	2	3	3
Harbor tugs.....			2	3	2	2	4	5
Crane ships.....			4	3	55	55	59	58
Unclassified: District craft.....			1	1			1	1
Total.....	323	320	336	344	183	178	842	842

\* Reduced commission, floating oil storage.

I have indicated in figures the amount of money that we are carrying in the pending bill, and I have indicated by way of comparison the moneys carried for the current year. But there is something more important when great policies are involved than the amount of money allowed for a particular purpose. There is something more important than whether or not we shall appropriate nearly \$325,000,000 for the Navy for the coming fiscal year. The country is concerned in whether or not we are maintaining an adequate Navy. It is concerned in whether or not we are fairly complying with the obligations we assumed in the limitation of armament treaty. We are rightfully concerned in whether or not we are engaged in a program that will mean competition in armaments upon the part of the nations of the world, either by making ourselves so inefficient that nations of limited wealth will assume they can outstrip us and that we do not care or through a program of building that is extravagant we inspire other nations to raise that issue by increasing their naval establishments.

That you may answer this question you must consider a number of factors. You must consider the ships maintained by the American Navy and the ships of similar types maintained by the other nations that are signatory to the limitation treaty. You must consider the readiness of the Navy to respond in event of need. You must consider the number of officers and men and their efficiency. You must consider the Navy from the standpoint of its ability to perform any service that it might be called upon to undertake. I want to give the House a picture of our Navy and ask you to consider with me the several factors that are most outstanding that enter into a well-rounded naval establishment.

The terms set forth in the limitation of armaments treaty define the number and tonnage of battleships, the tonnage of aircraft carriers, and the maximum tonnage of individual units; the maximum tonnage of all other kinds of individual ships, although not the sum total of other tonnage. It defines the caliber of guns that may be carried on the different types, and other lesser details looking to the carrying out of these essential factors.

#### BATTLESHIPS

Consider first the battleship situation. In the limitation of armament treaty the limit was fixed on the number of ships of this type that each of the powers signatory to the treaty might

have, their tonnage individually and in the aggregate, and the maximum caliber of guns. The terms are as follows:

Type	United States		Great Britain		Japan		France		Italy	
	Number	Tonnage	Number	Tonnage	Number	Tonnage	Number	Tonnage	Number	Tonnage
Battleship, first line, built.....	18	525,850	18	525,850	6	191,320	6	138,768	5	108,360
Building, first line.....	0		2	70,000	0		0		0	
Built, second line.....	0		0		0		3	55,776	2	25,310
Built, cruisers, first line.....	0		4	122,700	4	110,000	0		0	
Totals.....	18	525,850	22	580,450	10	301,320	9	194,544	7	133,670

\* Nelson and Rodney, building to replace Ajax, Centurian, King George V, and Thunderer. When this replacement is effected, as it will be within a year, the capital ship tonnage for the British Empire will be (20 ships) 558,950 tons.

Other provisions were made touching the United States under which we were to substitute the *Colorado* and *West Virginia* for the *North Dakota* and *Delaware*. Provisions were made under which Japan, France, and Italy would perform certain definite building or replacement programs and under which general rules were outlined, and in addition to this, general rules for replacement were outlined for all the nations that were parties to the treaty.

Great Britain was given slightly more tonnage than the United States because of the inferior character of certain of her ships in comparison with the battleships of the United States and of Japan. The country must assume that a fair ratio on battleships, on tonnage of substitute battle cruisers, was attained when the conference treaty was made. Now, may I ask whether anything has happened since this treaty was agreed to that so far as battleships are concerned tends to lessen the strength of the United States within the ratio? My answer is emphatically that no such thing has occurred. On the other hand, the position of the United States is better than it was by reason of things that we have been able to do wholly within the terms of the treaty. Great Britain's powerful dreadnaughts—the *Nelson* and the *Rodney*—will take their positions shortly in the British line. Our replacement ships—the *Colorado* and the *West Virginia*—have already taken their place in our line. Great Britain among her 20 ships that will stand in lieu of our 18 battleships has 5 that are coal burners, and it is not planned, so far as we know, that they be changed. The United States when the treaty was signed had six coal burners among her battleships. The last year witnessed the conversion of three of these ships into oil burners and the modernization of these three ships as well. The three remaining coal burners are at this time in the navy yards being transformed into oil burners and being modernized. They will take their places in the American Navy in about 10 months, or within the fiscal year for which we are now appropriating. Consider here that only one of the capital ships of Great Britain is to-day equipped with catapults and airplanes and that every battleship of the United States, and every cruiser regards catapults and airplanes as a part of its necessary equipment and is provided with them.

Other comparisons can be made touching speed and range of guns and touching antitorpedo protection, but on the whole these comparisons are not to the discredit of the ships of the American Navy.

The question of the comparative strength of the battleships of the United States and Great Britain was considered by the Naval Appropriations Subcommittee two years ago, when Colonel Roosevelt, the then Assistant Secretary, was before the committee. A colloquy occurred that indicates the thought at that time of this responsible officer connected with the Navy Department. The colloquy, in part, is as follows:

Mr. FRENCH. Is it true that on an average our capital ships are more modern and are better ships in every way than the British ships?

Colonel ROOSEVELT. Yes; on an average. I remember the expression used by Admiral Chatfield at the time we were talking about that. He said, "The tail of your column is not as good as the tail of our column, but the body of your column and the head of your column are very much better than any of the rest of our column."

The British believe that in battleships the advantage lies with the United States, and I may say further there is not an American who is familiar with our capital ships who would not readily agree to the suggestion that our capital ships are equal to the capital ships of the British Navy.



## AIRCRAFT CARRIERS

The other treaty ship, where tonnage is limited, is the aircraft carrier. Here is a naval ship of a new type. Even now it is in its experimental stage. Under the treaty basis of 5-5-3 aircraft-carrier tonnage is limited to a maximum of 135,000 tons for each Great Britain and the United States, and three-fifths of that amount for Japan, and proportionate ratios for France and Italy. Furthermore, no carrier may be built of greater tonnage than 27,000 tons, with the exception of carriers that were defined in the treaty as permissible to build through the conversion of cruisers that were under construction. The status of ships of this type is as follows:

Type	United States		Great Britain		Japan		France		Italy
	Number	Tonnage	Number	Tonnage	Number	Tonnage	Number	Tonnage	
Aircraft carriers, first line:									
Built.....	0		2	41,890	0		0		0
Building.....	2	66,000	2	37,200	2	53,800	1	21,160	0
Aircraft carriers, second line, built.....	1	12,700	2	25,400	1	9,500	0		0
Total.....	3	78,700	6	104,490	3	63,300	1	21,160	0

A moment ago I said that the aircraft carrier is a ship of a new type. It was not known until a few years ago that we could take off from the deck of a ship or effect a landing upon it. We have proceeded cautiously in the matter. Our experimental ship is the *Langley*, not built originally as an aircraft carrier. Great Britain has two experimental ships of similar tonnage, and Japan one experimental ship, three-fourths as large. The experimentation that the Aviation Service of the Navy has carried forward on the *Langley* has proven of the highest value. It has definitely determined matters that have to do with taking off in flight, that have to do with landing, that have to do with the construction of aircraft and carriers, touching design from a multitude of angles. The *Saratoga* and *Lexington*, which are now rapidly approaching completion, will receive the benefits of the experimentation upon the *Langley*. They are better ships than if they had been completed four years ago. In tonnage we are not up to the ratio figure, but from the standpoint of efficiency we are making progress. Better that we proceed slowly and build new carriers when we may be satisfied that we have perfected proper and adequate designs than that we rush forward in the construction of carriers, so that in the shortest possible time we could attain the tonnage permitted in the treaty. Otherwise our aircraft carriers might be of a type upon their completion that we would need to regard as obsolete or obsolescent.

I take it that the Naval Affairs Committee of the House must have been impressed with this point of view and must have been controlled by it, for that committee has not brought in a bill authorizing the construction of an additional aircraft carrier beyond the three that the United States has completed, or is in process of completing.

## CRUISERS

We now come to the cruiser situation. First of all, I am going to ask you to consider a table which is before you, and which I shall ask to have incorporated in my remarks at this point:

## Cruisers and light cruisers

	United States		Great Britain		Japan		France		Italy	
	Number	Tons	Number	Tons	Number	Tons	Number	Tons	Number	Tons
Cruisers and light cruisers at time of treaty:										
Cruisers built.....	10	131,300	4	58,200	4	34,756	10	120,359	5	46,500
Light cruisers built.....	3	11,250	63	300,870	13	60,290	9	44,676	10	39,100
Light cruisers building.....	10	75,000			5	26,000				
Total.....	23	217,550	67	359,070	22	121,046	19	165,035	15	85,600
Cruisers completed since treaty:										
Light cruisers, first line.....	10	75,000	6	38,750	12	67,505	(1)	(1)	(1)	(1)

<sup>1</sup> Not available as to France and Italy.

## Cruisers and light cruisers—Continued

	United States		Great Britain		Japan		France		Italy	
	Number	Tons	Number	Tons	Number	Tons	Number	Tons	Number	Tons
Cruisers and light cruisers to-day:										
Light cruisers, first line.....	10	75,000	40	194,200	19	102,005	3	16,731	8	30,734
Light cruisers, second line.....	11	39,975	9	48,380	6	27,362	1	3,395	2	6,274
Cruisers, second line.....	11	139,450			7	64,098	10	118,333	3	31,228
Total.....	31	254,425	49	242,580	32	193,465	13	138,459	13	68,296
Building and projected:										
Light cruisers, first line, building.....	2	20,000	11	110,000	6	54,200	6	53,619	2	20,000
Authorized and appropriated for.....	3	30,000	3	28,000			1	10,000		
Authorized but not appropriated for.....	3		9							

From much that has been said in the press and in public speeches and from the vast amount of propaganda literature that has been coming to our desks we would be led to believe that Great Britain and Japan are engaged in a mad rush in cruiser building and that these nations are not acting in good faith and have not acted in good faith since the armament agreement. The proponents recite that cruisers under the treaty are not specifically limited as to number, but they say that the spirit of the 5-5-3 agreement applies to cruisers. I could wish that there was an agreement that would apply to all types of crafts and am quite willing to accept the formula as applying to cruisers, providing those who are engaged in a cruiser campaign will accept the formula touching all factors that enter into naval defense.

Pending such an agreement, we must take into consideration all the factors, the predominance of one nation in one factor as against the predominance of another nation in another factor, and go ahead on the basis of a program that will be measurably just and fair toward all; that will not inspire the thought that the United States is cringing and will not maintain her defenses, or that, on the other hand, will not inspire the thought that the United States is bent on a competitive building program. One of the greatest American philosopher humorists said, "It ain't what we know that hurts us, it is what we know that ain't so."

That is the difficulty touching naval programs.

Now, let us consider the cruiser chart that I have presented. How has the situation changed since the Washington treaty? At the time of the treaty the United States had 13 cruisers and, in addition, 9 gunboats that are now listed as cruisers but that are not shown on the chart at the time of the treaty. These 22 ships were from 3,000 tons to nearly 16,000 tons, and in speed were rated from 21 to 27 knots. Great Britain had 67 cruisers with an average of less than 5,500 tons and only 10 that were above 5,440 tons.

In speed they ranked with ours. Japan had 17 cruisers that in tonnage and speed rated about with the cruisers of Great Britain and the United States.

It may be said that many of the cruisers in this list were old, and that is true—true of the United States, true of cruisers of all three nations, in fact—and many of them must be classified as cruisers of the second class and not fit for great service. Two of ours go back to the nineties—the *Rochester* and the *Olympia*—and are probably retained largely through sentiment. Seven other light cruisers go back to 1900-1905 and 3 light cruisers and 10 second-line cruisers go back to 1905-1910. At the time of the limitations conference one of Japan's was of the 1899 vintage, another of 1904. Whether or not they are included in her list to-day I do not know.

Of Great Britain's 67, 13 go back to 1914-1916, while 24 appear to have been withdrawn from service.

Notice, too, that the United States was building 10 cruisers, Great Britain none, and Japan 5.

You will notice from the chart that the cruisers at the time of the treaty were not classified as cruisers of the first and second line—they were listed in a common column. The figures furnished us at the present and recent hearings list the ships

of the various types as belonging to the first or second line, depending upon their fitness as fighting units.

Now, may I direct your attention to the changes in the situation since the armament treaty was agreed to? The United States since that time, or in 1923 to 1925, has completed 10 cruisers of the first line, with a tonnage of 7,500 tons each, and with a speed of 33.7 knots. Great Britain since the treaty has completed 6 cruisers of the first line and Japan has completed 12. Now, notice the cruisers listed in the present service of each country. The United States has 10 cruisers of 7,500 tons each of the first line and 22 of the second line. Great Britain has 40 cruisers of the first line and 9 of the second, while Japan has 19 of the first line and 13 of the second. You will notice that of Great Britain's 67 cruisers at the time of the treaty five years ago, 24 no longer appear and 9 are listed by our officers as belonging to the second line, all this on account of age and tonnage and lack of efficiency of the craft.

Now, turn for a moment to the cruiser-building program of the several nations. The United States is building 2 cruisers of the 10,000-ton class. Three more have been appropriated for, while 3 others have been authorized. Great Britain is building 11 cruisers of the 10,000-ton class, 3 more have been appropriated for of somewhat less tonnage, and 9 additional cruisers, tonnage not indicated, have been authorized, but not appropriated for. Japan is building 6 cruisers slightly under the 10,000-ton class.

We have been told that by 1932, when these programs shall have been completed, not including the cruisers authorized, but not appropriated for, the United States will have 15 cruisers of the first line, Great Britain will have 54, and Japan 25. Remember in this connection that by 1932, 19 of the 54 British cruisers will be more than 15 years old, and on the rule that the American officers apply to the Navy of the United States, will have to take their place in the second line, so that instead of there being 54 cruisers in Great Britain's first line navy, there will be but 35.

Consider another factor, tonnage: In 1932, 5 of the cruisers of the United States will be of the 10,000-ton class; 10 will be of the 7,500-ton class. All of them will be not older than 10 years and some of them only fresh from the shipbuilding yards.

Of Great Britain's new cruisers, 11 will be of the 10,000-ton class and 3 somewhat less, while Japan will have but 6 cruisers that will be in the class with the best cruisers of either Great Britain or the United States.

Furthermore, of these 54 cruisers of Great Britain in 1932, 34 will be under 5,000 tons, and three-fourths of the cruisers of Japan of approximately the same tonnage.

So, then, while it is true that the United States now and in 1932 will be short of the 5-5-3 ratio in cruisers, our shortage is not the shortage that the propagandists for a competitive shipbuilding program would have us believe, and it is a shortage that is offset in large degree by another factor to which I shall direct attention.

In the meantime I stand for the policy of orderly procedure in our development, and procedure in harmony with every effort that our country should make to reduce by agreement the burdens of armament.

#### IS THERE A MAD RACE IN CRUISER BUILDING ON THE PART OF GREAT BRITAIN AND JAPAN?

So much has been said in the press about a mad race in competitive cruiser building on the part of Great Britain and Japan that I must not let the criticism go unanswered. The United States, by way of repetition, is now building two 10,000-ton cruisers. We have made appropriations for three more, and work upon them will begin in a few months. Three more have been authorized, and the Committee on Naval Affairs of the House has placed upon the calendar a bill providing for 10 more 10,000-ton cruisers, of which I assume three may be regarded as taking the place of the three heretofore authorized but not appropriated for.

Now turn to Great Britain. Great Britain is building to-day 11 cruisers of the 10,000-ton class and 3 of a class slightly lower. In addition to this, nine cruisers have been authorized, and the papers within the last few days have carried the statement that one of them is to be built shortly.

Turn to Japan. Japan is to-day building six cruisers of the 10,000-ton class or slightly under. Surely there is nothing in this program to arouse apprehension. Four of these six are still on the ways—they have not been launched—while two others are far behind in their program of construction.

We are told that Japan has a most important navy-building program that she is about to undertake. But what are the

facts? One year ago the marine minister of Japan proposed a shipbuilding program that would cover a period of four years, that would entail an expenditure of approximately \$147,000,000. That program called for 33 ships—

Cruisers	4
Destroyers	16
Submarines	5
River gunboats	3
Repair ship	1
Airship carrier	1
Oil tanker	1
Mine layers	2

That program was rejected. Within the last few weeks another program has been submitted by the minister of marine. The new program calls for an expenditure of about \$130,600,000 over a period of five years. This program, as to number of ships, calls for—

Cruisers	4
Destroyers	15
Submarines	5
River gunboats	3
Airplane carrier	1
Mine layer	1

From the foregoing this program is \$16,400,000 under the program of a year ago, and calls for a spread over five years instead of four. What the fate of this program will be is for the Japanese administration and the Diet to determine. To the present it has not been approved, but may I direct your attention to the most significant factor in connection with the program.

For the next fiscal year the marine minister has asked, under the program, \$2,300,000, and for the year following \$5,960,000. I direct particular attention to these small estimates of expenditure for the first two years to emphasize my thought that Japan is not engaged in any mad shipbuilding program. The marine minister calls for an expenditure of \$130,600,000 for new ships tentatively allocated over a period of five years, and then asks that less than 2 per cent of it be expended the first year and less than 5 per cent of it the second year. What does this mean? Surely not that Japan is engaged in a mad race for competitive shipbuilding. Rather, it means that Japan is proceeding cautiously; that she has hopes that through a further limitation-of-arms conference it may be possible for her to abandon part of what now seems to be a necessary program. Failing in that, doubtless she contemplates that with an expenditure of less than 7 per cent during the first two years of a five-year program she will spread the balance of the total not over the remaining three years but over several or many additional years.

Gentlemen, let us be fair in this matter. Let us recognize the truth. Let us not be swept off our feet and plunged into an unwarranted shipbuilding program by those who draw inferences from actions that are taken by other nations.

#### DESTROYERS

We now come to another important type of ship—the destroyer. The destroyer is a screening ship essentially. It is swift; it is agile. It can not perform the service of the cruiser of larger tonnage. It is a ship of the type that can not be dispensed with in a modern fleet. At this point I direct your attention to the number of destroyers and the tonnage of the limitation-treaty nations:

	United States		British Empire		Japan	
	Num-ber	Tonnage	Num-ber	Tonnage	Num-ber	Tonnage
Destroyers first line:						
Built	262	312,479	169	194,575	78	85,650
Building			2	2,540	6	8,670
Authorized and appropriated for					8	11,560
Total	262	312,479	171	197,115	92	105,880
Authorized, but not appropriated for	12		27		0	
Destroyers, leaders, first line:						
Built			18	31,310		
Building						
Authorized and appropriated for					4	7,400
Total			18	31,310	4	7,400
Destroyers, second line, built	8	5,236	6	4,200	12	7,850



As important as is the destroyer in any navy, those who are urging a competitive shipbuilding program have not directed attention to the fact that the United States has 262 destroyers of the first line, against 169 destroyers of the first line of Great Britain and 78 of Japan. Here the ratio is tremendously in favor of the United States. This is true notwithstanding the fact that Great Britain has 18 destroyer leaders, which, after all, are destroyers of somewhat larger tonnage and speed.

This situation and the cruiser situation were in the minds of those who sat around the conference table that shaped the limitation agreement. The United States was weak in cruiser strength in comparison with Great Britain, but Great Britain and Japan were weak in destroyer strength in comparison with the United States.

Remember that these two types of ships can not stand great punishment, but, on the other hand, remember that they both can inflict damage upon capital ships and all other naval craft. One destroyer can not be counted as a set-off against a cruiser; but when it is remembered that the United States has nearly 100 destroyers more than Great Britain and nearly 200 more than Japan, surely the ships of this type must be regarded as having value when we recall the many cruisers of both Great Britain and Japan that belong to the 3,000 and 5,000 ton class.

#### SUBMARINES

There is another type of ship that I want to draw your attention to in a comparative way—the submarine. Here again is an interesting comparison, and I direct your attention to the table showing submarines and the tonnage of the different classes built or within the program of the armament-treaty nations:

	United States		Great Britain		Japan	
	Number	Tonnage	Number	Tonnage	Number	Tonnage
Fleet submarines, first line:						
Built.....	6	9,675	4	8,680	6	10,110
Building.....			3	4,145	5	7,000
Authorized and appropriated for.....			6	8,070	9	11,970
Total.....	6	9,675	13	20,895	20	29,080
Cruiser submarines, first line:						
Building.....	2					
Authorized and appropriated for.....						
Total.....	2					
Submarines, first line:						
Built.....	50	43,822	28	25,150	43	34,834
Building.....			1	890	2	1,663
Total.....	50	43,822	29	26,040	45	36,497
Authorized but not appropriated for.....	1					
Mine-laying submarines, first line:						
Built.....			3	2,670		
Building.....	1				3	3,000
Total.....	1		3	2,670	3	3,000
Monitor type submarines, first line: Built.....			2	3,200		
Submarines, second line:						
Built.....	65	31,282	24	10,368	10	3,259
Building.....						
Authorized and appropriated for.....						
Total.....	65	31,282	24	10,368	10	3,259
Mine-laying submarines, second line: Built.....						

The submarine situation again is favorable rather than unfavorable to the United States. Some of the discussions that have appeared in the public press recently have directed attention to the fact that Great Britain and Japan have in what are classified as fleet submarines built and building larger numbers than the United States. Two factors must be taken into account, however, in considering this question.

In the first place, Great Britain is credited with building three of this type, Japan five, and the United States none. On the other hand, the United States is building two submarines that are classified as cruiser submarines, while of this type Great Britain and Japan are building none. The fleet submarines and the cruiser submarines are intended for similar purposes. In this program the different nations are

competing with each other for efficiency, speed, radius, and safety. The submarine belongs to a type of ship that is of comparatively recent origin. It is only 10 years ago that the Allied Powers were in consternation over the feat of the German cruiser submarine when she came to the shores of America and departed, making a safe return to her home port. What the future may hold in submarine building we do not know.

I direct attention to the fact that the submarines that are listed as fleet submarines of Japan, Great Britain, and the United States are in tonnage small in comparison with what naval engineers believe must be the most efficient fleet submarine of the future, but whatever balance may be against the United States touching fleet and cruiser submarines, it is more than offset by the preponderance in favor of the United States of the large number of other efficient submarines.

#### OFFICER AND ENLISTED PERSONNEL

We now come to the officer and enlisted personnel of the Navy. On September 30 last there were 5,117 line officers on the active list, of which number 62 were additional numbers. On the same date there were 1,948 staff officers and 1,466 chief warrant and warrant officers, a grand total of 8,531. This bill provides the money for 5,262 officers of the line, 1,969 staff officers, and for 1,479 chief warrant and warrant officers, a grand total of 8,710.

The authorized number of line officers is 5,499 on the basis of the authorized strength of 137,485. We will be 237 short of that number in 1928, according to the pay figures. The actual number is quite conjectural, because there are many influencing elements.

We have carried in the bill provision for 82,500 men, the same as the current year. When the Navy Department submitted its first estimate to the Budget, a tentative number of men for 1928, the department called for 86,000 enlisted personnel, but upon consideration of all the factors entering into the situation a lesser number was agreed upon and estimated for by the Budget. Upon the basis of 86,000 enlisted personnel the department allocated for sea duty 60,017 and for shore duty 25,983. When officers of the department were before your subcommittee we were advised that on September 30, 1926, on a basis of 82,500 enlisted personnel for the current year, we had the following allocation: Sixty thousand one hundred and forty-five at sea and 22,495 on shore. When then we bring to you a bill making provision for 82,500 enlisted personnel for the coming fiscal year we have made provision for all the men at sea that the department would send to sea—if we had made provision for 86,000 men—or, in other words, 60,017. In addition to this we have made provision for men assigned to shore duty in the number 22,483, or almost exactly the same round figure that defined the men on shore on September last.

How does our enlisted personnel compare with the enlisted personnel of other nations signatory to the limitation treaty? The following table indicates this situation as of October 1, 1926 (Japan, July 1, 1926):

	Officers	Men	Total
United States regular Navy.....	8,531	82,910	91,441
British Empire regular Navy.....	7,801	82,637	90,438
Dependencies.....	973	9,572	10,545
Civil crews of auxiliaries.....	528	3,626	4,154
Total.....	9,302	95,835	105,137
Japan regular Navy.....	7,703	68,338	76,041
France regular Navy.....	3,570	53,000	56,570
Italy regular Navy.....	2,710	40,124	42,834

The foregoing figures were furnished to your committee by the Navy Department, but there are several factors that must be taken into account in order that they may present a true picture. First, the item for civilians, listed as 528 officers and 3,626 enlisted men in the British Navy, must be disallowed in comparing the man power of the British Navy with the Navy of the United States. These figures must be disallowed in making comparison for the reason that these officers and men are doing a service that we are hiring civilian agencies to perform, or else a service that we do not need to do because of the fact that our country is compact instead of embracing far-flung territories, as go to make up the realm of the British Empire. Second, the coast guard service for Great Britain is performed by her navy. The coast guard service for her dependencies is performed by officers and men listed in the figures I have indicated for the British Navy. On the other hand, the United States performs that service through a Coast Guard that in time of peace is under the Treasury Department and whose officers and men are not included in the numbers of

officers and men for the United States that I have indicated. In the Coast Guard of the United States we have more than 9,000 officers and men. These officers and men would be carried into the Navy as part of the Navy of the United States in event of war. These officers and men are to-day performing a work that is calculated to keep them fit in a degree far greater than much of the service that is performed by officers and men listed as part of and properly credited to the British Navy.

There are other controversial factors, such as the marine service of the two countries, the aviation service, and the indefinite number of civilian employees who in one country are doing work that in the other country is performed by officers and enlisted men. We can not know definitely of all of these conflicts, and I think that after I shall have made the statement that I am about to make you will say that it is rather immaterial that we pursue the question further.

The prime service of an enlisted personnel is to do the work of the Navy at sea, to man ships, to handle guns, to handle aircraft, to care for and operate the technical machinery and equipment that modern ships of war contain, and not primarily to do any considerable amount of work on shore that can be handled by civilians quite as well.

On September 30 last the United States had 82,910 enlisted personnel. Of this number the Navy Department has advised us that we had afloat 73 per cent, or 60,525 men. We actually had afloat on that date 60,145 men. On the same date Great Britain, excluding her civilian crews that under no consideration should be counted for our present purpose as part of the British Navy, had 59,006 enlisted men, or 64.1 per cent of 92,209 enlisted personnel in her Navy, including all the enlisted personnel of the British Isles and the dependencies of Great Britain as well.

Japan on July 1 last had an enlisted personnel of 68,338. Of that number she had afloat 60 per cent, or 41,003 men. So then, when it comes to a comparison of the three enlisted personnel afloat of Great Britain, the United States and Japan, having in mind a ratio that does not in so many words apply to enlisted personnel we find that the figures are almost in exact accord with that ratio. The true figures would be: United States, 60,000 men; Great Britain, 60,000 men; Japan, 40,000 men.

The allocation of the dates that I have indicated, October 1 and July 1 last, gave the United States 60,145. Great Britain 59,006, Japan 41,003.

#### THE NAVAL RESERVE

The estimates on account of the Naval Reserve are presented under the following heads:

	Appropriation, 1927	Estimate, 1928	Increase (+) or decrease (-)
Naval Reserve.....	\$3,820,800	\$3,850,000	+\$29,140
Pay of the Navy:			
Transferred men.....	6,807,660	7,980,000	+1,172,340
Clothing outfits.....	(1)	(1)	
Aviation (new aircraft and equipment).....		235,000	+235,000
Total.....	10,628,520	12,065,000	+1,436,480

<sup>1</sup> Not separated from regular service issues.

#### FLEET RESERVE

The plans call for a total of 1,000 officers and 12,192 men apart from aviation, and 612 officers and 1,352 men for aviation units, or a total of 1,612 officers and 13,544 men. The present total strength applicable to these objectives is 1,063 officers and 7,815 men. The estimates as presented provide for 1,280 officers and 8,290 men, or, omitting aviation, 1,000 officers and 8,020 men.

This is a very difficult appropriation for which to estimate, as service is purely voluntary. A determined effort is being made to rid the fleet reserve of those who do not manifest a proper degree of interest. The committee is watching this situation because it feels sure that the Congress does not wish to put a single dollar under this head which the Navy could well use in other ways, where there is not a measurably adequate return.

#### RESERVE AVIATION

The amount carried for reserve aviation, including \$235,000 for new aircraft and equipment under the appropriation, "Aviation, Navy," is \$1,048,329, divided as follows:

Pay and allowances, including travel and subsistence.....	\$398,013
New aircraft and equipment.....	235,000
Maintenance and operation of planes and stations.....	329,888
Pay and subsistence of transferred reservists (former enlisted men).....	85,428
Total.....	1,048,329

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The current appropriation is \$826,462. As previously pointed out, the objective of this organization is 612 officers and 1,352 men. At the present time about one-third of the officer strength is available or will be by the end of the fiscal year, and something under one-fifth of the enlisted strength. The estimates provide for giving training to 280 officers and 270 men, and to 66 student aviators, cutting down, however, on the flight training of the officers from 45 to 28½ hours. As to the wisdom of this the committee will not attempt to express an opinion. If detrimental, it would seem to be more than compensated for by the plan to send 50 reserve aviators to the fleet to serve in the capacity of aviators for a period of one year. The committee heartily indorses this plan. It may lead ultimately to the solution of the question of regular service officer pilots.

#### VOLUNTEER NAVAL RESERVE

The Volunteer Naval Reserve is composed of officers and men divided into various subclasses in accordance with the duties they will be called upon to perform in the event of war. Officers and men of this class are not entitled by law to receive pay for drill attendance, but they are entitled to receive pay and allowances while performing active training duty, the same as members of the fleet reserve.

There were 2,507 officers and 11,011 men in the Volunteer Naval Reserve on September 30, 1926.

#### TRANSFERRED MEN

This class, known as transferred men, is composed of men who have completed 16 or 20 years' service in the Navy. If transferred after 16 years' service, they receive annually one-third of their pay plus all permanent additions at time of transfer, and if they transfer after 20 years' service they receive annually one-half of their pay plus all permanent additions at time of transfer. The estimates provide for 4,904 of the 16-year men and 3,326 of the 20-year men. The appropriation necessary is \$7,953,961.30. Under the act of February 28, 1925 (43 Stat. 1080), no transfers can be made before the completion of 20 years' service by men enlisting subsequently to the date of approval of such act.

The committee can not state with accuracy, but believes investigation will disclose that many of these transferred—virtually retired—men served their entire enlistments in clerical capacities; that is, in ratings calling for the performance of duties of a clerical nature. It suggests further consideration of the legislation touching the Naval Reserve with the view to confining its benefits to men in those ratings which it is apparent it would be difficult to fill in time of emergency.

#### THE MARINE CORPS

The Budget estimates provide for a force of 16,800 enlisted men in the Marine Corps, or 1,200 fewer men than provided by current appropriations.

The authorized strength of the Marine Corps is 27,400 men, or one-fifth of the authorized strength of the Navy. This bill makes provision for 82,500 men in the Navy, or 60 per cent of its authorized strength. The number proposed in the Budget for the Marine Corps, 16,800, represents 61 per cent of its authorized strength. Viewing the matter from such an angle, it would appear that the Marine Corps might well stand such a cut.

The primary mission of the Marine Corps, however, is to have in readiness a well trained and equipped body of men to accompany or precede the fleet as an advance base force if and when the need should arise. This purpose seems to have become more and more subservient to missions entirely foreign to the main reason for the corps' existence, with the result that but a relatively small part of the corps' appropriations may be said to be on account of its primary object. To bring about a reduction in the Marine Corps the committee believes it will be necessary to consider more than the relationship a certain number bears or contributes to a total actual or potential force. It involves a question of administrative policy with respect to the employment of the force provided in excess of properly constituted advance base units, and any change in the present policy no doubt would require provision being made in other directions. The two would need to be considered simultaneously.

Entertaining such a conviction, the committee has been unable to accept the Budget proposal and is recommending appropriations and reappropriations that it believes will enable the corps to continue during the fiscal year 1928 with approximately its present year force. The resultant allowance over the Budget proposal amounts to \$830,000, which has been entirely provided by the reappropriation of unexpended balances of Marine Corps appropriations for the fiscal year 1925.

The bill makes provision for 1,020 commissioned officers, the current year number, for 155 warrant officers, for 362 trans-



ferred fleet reservists, for 2,600 assigned men, and for training 807 members of the Marine Corps Reserve. The committee has refused to provide for an increase in the number of assigned men.

An increase of \$279,343 has been allowed over the current appropriation to buy target-practice ammunition. The Army has been supplying this type of ammunition since the war, but the unreliability of the last consignment indicates that the Marine Corps will have to go into the market to fill its needs in the future.

The housing situation at Quantico merits very early consideration. The barracks and quarters there are makeshifts and should be replaced with permanent construction at the earliest date practicable. Had there been authorization founded on a carefully planned program the committee would have been disposed to reappropriate the remainder of the 1925 unexpended money as well as the ascertainable 1926 balances to initiate the work. Apart from the \$830,000 which the bill reappropriates there is something upward of a million dollars remaining unused of the funds appropriated for the corps for the two fiscal years indicated.

#### FUEL AND TRANSPORTATION

For fuel and transportation the Budget estimate is \$12,000,000, as against \$13,950,000 for the current fiscal year, a reduction of \$1,950,000. There has been a modification of the steaming plans upon which the current appropriation was based and there has been a reduction in the average price of fuel oil from \$1.5599 per barrel to \$1.41339, and in consequence of both a sum approximating \$937,000 of the current appropriation may be turned back. In view of this surplus the reduction proposed in the Budget actually is around a million dollars. The committee is proposing the Budget estimate.

The break-up of the 1928 estimate will be found on page 340 of the hearings. It will be noticed therefrom that a further decline is in prospect in the average price of fuel oil, the figure being \$1.33228 per barrel. This means, excluding other than fuel-oil factors, that on the basis of using the same quantity of fuel oil in 1928 as the revised estimate indicates will be used during the present fiscal year an appropriation somewhat under \$12,000,000 would suffice.

#### ECONOMIC FACTORS

In considering the Navy program up to the present time, we have had before us ships of the different essential types, aviation as it involves the Navy, and the men behind the guns. Consider for a moment the position of the United States, Great Britain, and Japan from the standpoint of economic conditions.

An eminent American naval critic, urging the other day the insufficiency of the American Navy, pointed out the many naval bases that Great Britain has and stresses this situation as an element of strength. I recognize that with the widely scattered parts of the British Empire, Great Britain must possess widely separated and numerous naval bases. These two factors are factors that must be correlated—far-flung territorial areas and widely scattered naval bases. Suppose, however, that the territory of Great Britain were compact—that Canada, Australia and South Africa, and New Zealand, and India, and the other possessions of the British Empire were as compact as the territory of the United States, there would be no occasion for the many widely separated bases. As a matter of fact, it means weakness and not strength that Canada, Australia, South Africa, and New Zealand are so far removed from the center of the British Empire.

The British Isles that we think of as the heart of Great Britain are, comparatively speaking, of small area. They possess great wealth and they possess a wonderful people, but the isles do not possess the economic factors adequate for the maintenance of the population. The people of Great Britain depend, and must depend, upon the outside world. Their dependency is for food; it is for clothing; it is for structural materials; it is for fuel and especially fuel oil. Great Britain must maintain open to her ships the lanes of the sea. To do this Great Britain must have naval bases, and Great Britain, more than the United States, is in need of types of ships such as cruisers that are swift and of widest radius of action. Great Britain must pay attention to the reserve supply of fuel oil, to materials of all kinds, in a manner that the United States does not need to consider. Stop the lanes of the sea to the ships of Great Britain and suffering would be brought to the people of the British Isles within a period of weeks, and collapse of the British Navy as a fighting force would be a matter of days.

Turn to the United States. Our country could be cut off from the rest of the world and there would be food for our

people, there would be fuel oil for our use, there would be materials of all kinds for our fabrication. The lanes of the sea might be closed to us for weeks or for years should the necessity arise. The United States within her own territory could sustain her people without suffering, and could produce the materials to meet whatever emergency naval necessities might require in resumption of active naval warfare for the protection of the interest and dignity and honor of our country.

The economic element is an element that can not be ignored by this Congress and by the country as it looks to the program of defense. It is an element of strength in our favor that can not be approached by any other nation in the world. More than that, when this element is taken into consideration with the other elements to which I have referred, the types of ships that we possess, their numbers and their tonnage, the officers and enlisted personnel, and the other factors that must be recognized which I have not discussed at length, I tell you that the position of the United States is secure.

#### INCREASE OF THE NAVY

We now come to increase of the Navy, and all that I have presented heretofore has relation to our building program.

We now have under way two aircraft carriers, three submarines, two light cruisers building and two appropriated for and plans made, and six river gunboats.

I shall place here in my remarks a statement touching progress of this work.

#### Building program

Vessels, number, type, and unit cost	Appropriated in this bill		Remaining to be appropriated
	Hull and machinery	Ordnance	
2 aircraft carriers, \$44,200,000 <sup>1</sup> .....			(?)
1 submarine V-4, \$6,150,000 <sup>2</sup> .....			
2 submarines V-5 and V-6, \$6,320,000.....	\$1,750,000	\$500,000	\$1,890,000
2 light cruisers Nos. 24 and 25, \$16,750,000.....	6,250,000	4,500,000	8,250,000
3 light cruisers Nos. 26, 27, and 28, \$16,750,000.....	9,750,000	4,500,000	34,800,000
6 river gunboats, \$700,000.....			
Total.....	17,750,000	9,500,000	44,940,000
Chargeable to naval supply account fund.....	4,000,000		
	13,750,000		
	9,500,000		
Total direct appropriation for increase of the Navy.....	23,250,000		

<sup>1</sup> Includes initial outfit of aircraft and spares.

<sup>2</sup> Appropriations have been provided up to present limit of \$34,000,000 each for hull and machinery. This limit inadequate to extent of possibly \$3,500,000 for both vessels. Under the rule, legislation raising the limit should precede an additional appropriation.

<sup>3</sup> Provision is made in this bill for increasing to \$6,450,000, present limitation having been imposed by this committee.

The estimated dates of completion of the vessels enumerated in the foregoing table are as follows:

Aircraft carrier <i>Saratoga</i> .....	May 1, 1927
Aircraft carrier <i>Lexington</i> .....	June 1, 1927
Submarine V-4.....	Oct. 1, 1927
Submarine V-5.....	Dec. 1, 1928
Submarine V-6.....	Mar. 1, 1929
Light cruisers Nos. 24 and 25.....	July 9, 1929

Six river gunboats, various dates from March 1, 1927, to January 1, 1928.

Some doubt prevails as to the two aircraft carriers being completed at the time indicated. It will be necessary again to raise the limits of cost. It is hoped that the additional amount required may be ascertained shortly and provided for in the interest of their early completion. Some doubt also is entertained regarding the time of completion of the submarine V-4. The fact is, all of the completion dates necessarily are approximate and simply indicate the best judgment of those in touch with the situation. Further with respect to the submarine V-4, it will be noticed that provision has been included raising the limit of cost of the hull and machinery imposed in the Navy Department and naval service appropriation act for the fiscal year 1926 from \$5,300,000 to \$5,600,000. This has been done in pursuance of the recommendation of the department, as disclosed in House Document No. 575.

Contracts for the construction of light cruisers Nos. 26, 27, and 28 have not yet been awarded. The current and the initial appropriation toward the construction of these vessels is but \$1,200,000. This bill makes a further sum of \$14,250,000 available for their construction, and the department's idea is to delay commencement so that there will be a more or less equal spread of money over the period from date of commencement to July 1, 1928, which seems to be the sensible thing to do.

As indicated in the table, the direct appropriation proposed in this bill for increase of the Navy is \$23,250,000, which is to be augmented by a further draft of \$4,000,000 on the naval supply account fund. The department is satisfied that the fund can stand this charge and has indorsed the proposal, which came to the committee in the Budget. It will be observed in this connection that the bill proposes what appears to be still another draft of \$1,115,000 on the naval supply account fund. The purpose is simply to allow bookkeeping adjustments to be made for some submarine material which got on the books of the naval supply account fund inadvertently. The material originally should have been charged to the appropriation "Increase of the Navy." The procedure will amount to the transfer of \$1,115,000 from the naval supply account fund to increase of the Navy and the transfer of it right back again. Thus it will be practicable to straighten out the accounts and at the same time release the material from the naval supply account and make it available for issue as was originally and rightfully intended.

#### FURTHER LIMITATION OF ARMAMENTS

As the Budget estimates have come to the House, no provision is included for the commencement of construction of three cruisers of treaty type, and I recognize that there is some sentiment in this Chamber favorable to a contrary program. It is because of this that as chairman of the committee I have directed attention in more detail than would ordinarily be necessary to the situation touching types of ships. We are in the midst of a readjustment program following the most disastrous war of human history. Civilization will fail in its great opportunity if it fails to do everything possible looking to the prevention of future wars. The Limitation of Armaments Conference, of nearly five years ago, was a milestone in the direction of better understanding among nations. At this time preliminary negotiations are under way with the thought of still further agreements among the world powers touching armaments. For months, last summer, representatives of your country and other nations were engaged in a preliminary conference in Geneva. This conference will resume its session next spring. This conference seeks to develop an agenda that may serve as the basis of another limitation of arms conference.

The President in his message to this Congress, less than 30 days ago, referred to the situation in these words:

This country is now engaged in negotiations to broaden our existing treaties with the great powers which deal with the elimination of competition in naval armaments. I feel that it would be unfortunate at this time and not in keeping with our attitude toward these negotiations to commence the construction of these three cruisers. Rather do I recommend to the Congress the enactment of legislation which will extend the time for beginning their construction.

Gentlemen of the House, the President of the United States, more than any other citizen of our Republic, is charged with the grave responsibility of preserving the peace of our Nation, and shaping and working out programs that are means of preserving the peace of the world. When he comes to the Congress and emphatically advises that in view of the negotiations that are pending we delay to appropriate money for the building of new cruisers, I appeal to this body to sustain the course that he recommends.

I thank the Members of the House for their patience in this rather long discussion. [Applause.]

Mr. BUTLER. Will the gentleman yield?

Mr. FRENCH. I shall be glad to yield to the gentleman from Pennsylvania.

Mr. BUTLER. Tell me where you got that list, please, that list of ships. Did you copy it out of the book? You have Dewey's fleet at Manila in there, have you not? You know very well, my friend, that those ships are not worth any more than my old automobile that I traded for \$35 worth of gasoline. My friend, tell us how many ships Great Britain will have in 1931 rated as 10,000, 8,000, and 7,500 ton cruisers? How many guns will she have on them and how many torpedo tubes, how many 21-inch torpedo tubes? Tell us how many torpedo tubes our battleships carry and how many will these cruisers carry. My friend, tell this House the facts. Did you tell them that Great Britain in 1931 will have 431 torpedo tubes to our 134? You did not tell these gentlemen that. Tell them how many Japan will have. Tell them the length of their guns, their sizes and ranges. You and I have talked many times about this, but do not put any American citizen upon such ships of war to fight the armaments of other nations. You know there are some of those ships on which you would not put a dollar for improvement; some are lying now, as you know, rusting in our

navy yards and never will be used. Now, take the modern ships and tell this House how many 8-inch guns and how many torpedo tubes they have on them ready for use. Tell them about the 75,000 tons of these cruisers that Great Britain has designed and which Great Britain proposes to build. Tell them of the 11 cruisers which Great Britain now has under construction. Further than that, tell them that France, since we signed that agreement, has built 88 ships of war and tell this House where they got the money with which to build them. [Applause.] Do not tell them about these second-hand ships. I for one will not permit an American to go to war on such a list of boats as you have there. No, my friend; no. [Applause.] That was my dream, too, my friend; but I have awakened. You know, furthermore, that the purpose of this agreement was to reduce the burden of armament, and I ask you to read to the House the preamble of that treaty of 1922. I want you to give these facts also, for you would not mislead anyone.

Mr. FRENCH. Gentlemen of the House, in response to the general question that my beloved colleague from Pennsylvania has asked I must make more than a brief statement. Before doing so may I say that we all honor our distinguished leader and chairman of the Naval Affairs Committee. We love him; we know there is no one in this world more devoted to principles of humanity than is he; that there is no one under the American flag who sooner would lay down all that God has given him for the well-being of our Republic. It is because of this that we respect him, that we honor him, and that we have followed his leadership. We hope as we go through this Congress to have the benefit of his advice and his suggestions. When, however, the gentleman suggested in his interrogatory that my answer or statement was not fair, I think he will be the first one to withdraw it.

Mr. BUTLER. I withdraw it now.

Mr. FRENCH. I knew the gentleman would.

Mr. BUTLER. But I want the gentleman to tell all the story. The gentleman is incapable of making a misstatement to this House, but I want him to tell it all to them. [Applause.]

Mr. FRENCH. There is much that I could add to my remarks touching ships and guns and personnel. On the other hand, I have not anything to change in what I have said. I told you that for sentimental or some other purposes we included certain old ships in our second line—the *Olympia* and the *Rochester*. I told you the dates of them; I told you the dates of all these ships and brought all of the information before you. I told you they were not of any great value; but, on the other hand, just as candidly and just as frankly I told you of the tonnage of the ships of Japan and of Great Britain and compared their elements of weakness and of strength. When we are talking about old ships and ships of small tonnage of our Navy we are compelled to recognize that to some extent the same principles apply to other navies, to the old ships, and to the ships of lighter tonnage. When it comes to guns and torpedoes and deck protection and hulls of ships the various nations must meet the situation for themselves.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. FRENCH. In a moment. Now, when it comes to the question of armor, the question of torpedo tubes, the question of the size or caliber of guns and all that, we know that the engineers or the experts of the several navies of Great Britain, Japan, France, and the United States have their ideals. One nation will say that she will sacrifice guns to the reinforcement of the hull of the ship in order to make it a fighting ship for the longest time possible. Another nation says that she will sacrifice armor in order to get speed; or that she will sacrifice deck protection in order to get more guns or more speed. We can not compare navies in that way other than to say that the experts of each nation are bending every ingenuity to bring out the type that will best serve their particular purpose.

Only the other day I was reading a criticism by an expert British writer on naval affairs, Mr. Bywater, and his conclusion was that notwithstanding the discussion of guns, the longer range and different calibers of certain of the British guns, on the whole from the standpoint of guns of the battle fleets of Great Britain and the United States, Great Britain was outclassed by the guns of the American Navy. That is his judgment. It may be wrong. So it is when we take into consideration the different types of ships.

I will now yield to the gentleman from New York.

Mr. BLACK of New York. Will the gentleman take as his expert in protecting us a British expert, or will the gentleman take our own general board?



Mr. FRENCH. Oh, the gentleman knows that our general board will control our types instead of the experts of Great Britain. We have our problems and Great Britain has hers.

Mr. BLACK of New York. Does the general board agree with your program in this bill?

Mr. FRENCH. In what regard?

Mr. BLACK of New York. In regard to new construction.

Mr. FRENCH. The general board would doubtless favor an appropriation for the three cruisers. The board is considering our Navy as a fighting unit. But the general board is not charged with the responsibility of further limitation of armament agreements.

Mr. BLACK of New York. Will the gentleman yield again?

Mr. FRENCH. Yes.

Mr. BLACK of New York. The gentleman said with a sob in his voice that if the British Government did not have this great fleet that in three or four days the British could be put out of business. Now, I say as an American Congressman that if we had a scrap with Great Britain that is just what I would want to see happen. I would want to see them put out of business in three or four days.

Mr. BRITTEN. Will the gentleman yield? I do not know that I correctly understood—

Mr. FRENCH. I yield for a question, because I want to bring my discussion to an end.

Mr. BRITTEN. I do not know whether I correctly understood the statement of the gentleman a moment ago in reference to the article by Hector Bywater that the American guns were superior to British guns on first-line ships. Did the gentleman mean in caliber or in range?

Mr. FRENCH. I did not understand that he meant in either specific regard, and I am bringing into the discussion now without having a purpose to do so, my remembrance of an article that Mr. Bywater wrote which was published possibly a month or two ago, but the conclusion—

Mr. BRITTEN. As I understood the gentleman's statement—

Mr. FRENCH. I know what Mr. Bywater's conclusion was.

Mr. BRITTEN. What was his conclusion?

Mr. FRENCH. His conclusion was that on the whole the situation was probably better for the United States than for Great Britain.

Mr. BRITTEN. On the contrary, if my good friend will permit, Hector Bywater said that 13 of the 18 first-line American ships were outranged by every British ship.

Mr. FRENCH. I think he said that in this same article. I am not talking about the details of his statement. I am talking about his conclusion.

Mr. VINSON of Georgia. Will the gentleman now yield?

Mr. FRENCH. Yes.

Mr. VINSON of Georgia. The gentleman has sought to answer the question of the gentleman from Pennsylvania [Mr. BUTLER], and it is for the House to determine whether or not he successfully answered it. I want to ask the gentleman with respect to the matter of personnel, because I observe that his bill carries only 82,500 as the personnel. Is the gentleman as correct in his chart and his general statement which he has made as he was last year, when he told this House that we would have to have 5,000 more men than the 82,500 in the bill now under consideration? In other words, the gentleman from Idaho last year stated in the conference report to the House that we were appropriating for 82,500. I want to see how accurate the gentleman is, so the House can judge as to whether or not he is accurate in his chart. In that statement the gentleman from Idaho said:

We provide for an average enlisted strength of 82,500 men; we recede from \$800,000 of the cut of \$1,750,000 in fuel, and we provide for keeping Lakehurst open on a much reduced scale.

The action that your committee recommended when this bill was brought originally to the House had not only to do with the program for the coming fiscal year but had to do with a program for the years ahead. In other words, by the end of the next fiscal year there will be available for commission the six battleships that are either undergoing major overhaul or else are to undergo such overhaul. Those battleships, then, will require for the succeeding year—1928—should they be retained in commission, the additional number of men over the number of enlisted personnel in the Naval Establishment to-day, 2,700. Furthermore, by the end of the coming fiscal year we shall bring into active commission the two airplane carriers, the *Lexington* and the *Saratoga*.

Those two carriers will require approximately 2,340 men in addition to the men who will have to do with aviation itself and who will be detailed to those ships. In other words, in those two items alone, looking to a year from now, we shall need to provide for more than

5,000 men for the Navy for purposes other than those for which we are providing in the pending bill.

And yet the gentleman's bill now only provides for 82,500, and the gentleman told the House last year that when this session of Congress rolled around we would have to have 5,000 more men, or a total of 87,500. I wish the gentleman would explain how he reduces the Navy back to 82,500.

Mr. FRENCH. Of course, I might be compelled to admit that I was wrong a year ago, but if the gentleman will read all of my statement he will see that it is not inconsistent with my statement now.

Mr. VINSON of Georgia. I am reading to the House the gentleman's remarks.

Mr. FRENCH. I know that—in part. I remember reading in the Bible where it says, "Let him that"—

Mr. VINSON of Georgia. Will the gentleman finish the quotation?

Mr. FRENCH. Has the gentleman finished his question?

Mr. VINSON of Georgia. Yes; I have finished. Now will the gentleman finish the quotation? [Laughter.]

Mr. FRENCH. Since my friend intimates I can not finish a Biblical quotation, I shall do so. A contentious character insisted he could justify stealing by the Bible, and he quoted from the Bible as follows: "Let him that stole, steal," and he would have gotten away with it if a dear, good lady in the audience had not known her Bible better than the gentleman thought I did and said, "Read on, read on; read the next two words," and those words were "no more." [Laughter.]

The gentleman from Georgia has raised the question of the exact allocation of men. It is possible that I would have said the very words the gentleman read, but the gentleman will remember that one of the cardinal principles that was urged on the Congress a year ago by our committee was that in the 86,000 of the Naval Establishment we should seek men when we add new craft and not add new personnel with every new ship. That was what we said then and what I say now. I think probably the figures are correct as to the number of men that will be allocated to these types of ships. If so, we ought to find them within the 86,000 men. If we can do that, it would be a wicked waste of money for this Congress to appropriate more money in order to retain enlisted men in the Navy when we do not need them. [Applause.]

Mr. VINSON of Georgia. What does the gentleman propose—to take the men to man these ships out of the 82,000?

Mr. FRENCH. I am not proposing 82,000; we are making appropriation for 82,500 men. The gentleman is leaving off the words "no more." I told the gentleman that we would probably have two old cruisers out of commission; that we would probably have three battleships in commission only about two-thirds of the year; that ships are undergoing major overhaul; that we would not have airplane carriers for all the year; that probably we would have two battleships turned in for major overhaul; and that 82,500 men would be sufficient to meet the situation.

Mr. VINSON of Georgia. Will the gentleman explain to the House how he stated that we appropriated more for aviation this year than we did last year, when, as a matter of fact, the total for aviation this year is \$1,900,000 less than that of last year? Is it not a fact that we appropriated \$22,365,248 and this year's bill carries \$20,455,000, showing a general reduction of \$1,910,288? Is it not a further fact that you have reduced the appropriation for new aircraft by \$3,300,000 less than last year?

Mr. FRENCH. No; what we have done is this: Last year we carried the total of \$19,256,288 and a contract authorization of \$4,100,000. For this year we have carried \$19,981,000, and in addition to that authorization for \$5,000,000 more, making \$24,981,000.

Mr. VINSON of Georgia. Does the gentleman mean to say that this bill carries twenty-four million for aviation? The bill carries \$20,455,000, and out of that \$20,000,000 you have to pay \$4,000,000 on last year's contract; in other words, you are only appropriating this year \$9,077,000 against \$12,000,000 last year.

Mr. FRENCH. The gentleman must remember that with last year's items we included a similar amount for authorizations made for the year before, and so the gentleman will find one balance against the other.

Mr. VINSON of Georgia. Is not it a fact that you have not appropriated one dollar for airplanes this year for the carriers that you put into commission at the end of the year?

Mr. FRENCH. We carried in the bill last year money for the airplanes that we were going to put on them all told. I think we have appropriated for this purpose \$6,000,000.

Mr. VINSON of Georgia. That only bought 150 airplanes and the complement of the carriers is 230 airplanes.

Mr. FRENCH. We have already appropriated for planes for the airplane carriers more money than was originally estimated for all planes and spares that they were to carry. Your committee, however, has come before the House year after year with the thought with respect to airplanes that it is unwise for us to build up to the authorization because of the rapidity of obsolescence, the rapidity of waste, the rapidity that attrition is going on, that we would better wait and save our money until the types are standardized and then meet the situation, rather than by appropriating millions of dollars for airplanes that will be eliminated by reason of obsolescence before they are worn out.

Mr. VINSON of Georgia. Well then, as suggested by the gentleman from Arkansas on my right, we had better not build any, because they would soon go out of date.

Mr. FRENCH. The suggestion does an injustice to the sense of fairness of the gentleman. The gentleman knows that there is no logic in it, and that there is a very wide difference between doing nothing on the one extreme, or doing that which amounts to general extravagance, at the other extreme and doing that which is moderate and efficient. The latter is what we are doing. [Applause.]

Mr. WINGO. Mr. Chairman, will the gentleman yield there, so that I may get this sort of left-handed quotation straightened out?

Mr. FRENCH. Yes.

Mr. WINGO. Here is the idea that I had in mind. I gathered from the gentleman's argument—and if I am incorrect I wish to be corrected—that he takes the position that they were getting out of date, that improvements were so rapid, it was a waste of money to build any of these planes, and that we would better wait until we find out they are perfected. Is that the idea?

Mr. FRENCH. My thought was this. There is rapid improvement going on as to types and as to all the different appliances pertaining to aircraft. We think it better to have a moderate supply of planes on hand, enough to meet the situation during peace times, when we know that the types are likely to be changed, than it is to spend millions of dollars in piling up numbers of planes when before they would be worn out they would be discarded by reason of being obsolete.

Mr. WINGO. Will the gentleman give us some information there, which probably he has. How do we compare in so far as the airplanes that we have for these carriers in numbers with the airplanes in both number and character owned by Japan and Great Britain?

Mr. FRENCH. You can hardly get definite or exact information upon that subject from the Navy Department. We do not know accurately the types that they list as suitable planes, what ones, for instance, are obsolete, what are obsolescent, what ones are ready for service. Last June, on the 15th, I think it was, the Navy Department classified as obsolete something like 300 planes, which the day before had been listed as first-class fighting planes of the Aviation Service of the Navy.

A gentleman in the Japanese Diet would have picked up reports of this country and would have seen that we had nearly 700 fighting planes, if he had looked at the report on June 15, whereas if he had picked up the report dated the next day he would have found that we had less than 400 fighting planes. It is quite impossible to obtain accurate information.

Mr. WINGO. Will the gentleman give me his judgment, and I am not asking this in any controversial spirit, but taking everything into consideration in aircraft, does our Navy compare favorably with that of either Japan or Great Britain?

Mr. FRENCH. Oh, I think so. I think it goes beyond. The fact of the matter is, as I said a while ago, touching Great Britain, we have aircraft on all of our cruisers, on all of our battleships, while Great Britain has catapults on only one. Great Britain has a united air service and we have not. Great Britain has a greater tonnage in carriers; but I venture the belief that we have made greater gains by holding back, so that the carriers we will build will be up to date as soon as they may be built.

Mr. BLACK of New York. But suppose the British build a few new ones also?

Mr. FRENCH. She can build from 104,000 tons up to 135,000 tons, and she could not build very many big airplane carriers with that tonnage.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. NEWTON of Minnesota. In reference to the question of cruisers, the gentleman was in the group that went to the

Canal Zone at the maneuvers four years ago this spring. It was apparent that we were deficient in a certain type of scout cruiser. In December, 1924, Congress authorized eight scout cruisers. Of those, how many have been completed, are commissioned and in service?

Mr. FRENCH. I think the gentleman is familiar with the program of building. We have appropriated for five of them. Two of them are being built at this time. Three others will likely be begun within six months either by contract or else by building within the navy yards. We are carrying in this bill for those ships, the first two to which I referred, for hull and machinery, \$6,250,000, and for ordnance, \$4,500,000. For the three to which I refer we are carrying \$9,750,000 for hull and machinery, and for ordnance, \$4,500,000.

Mr. NEWTON of Minnesota. Of the eight that Congress authorized constructed in December of 1924, we are really now building only two.

Mr. FRENCH. We are building two.

Mr. NEWTON of Minnesota. And in this bill for the first time you are reporting to the House an appropriation for the commencement of the building of three of them?

Mr. FRENCH. No. We made an appropriation a year ago that was the initial appropriation, about \$1,200,000. Plans are now made. The department felt that an economy could be effected by combining the appropriation balances for the current year with the amount they are recommending for the next year, and either through contract or through their own navy yards carry on the work from the latter part of this fiscal year and through all of next.

Mr. NEWTON of Minnesota. Then there remain three of these cruisers that have not been appropriated for and for which no provision whatever is made in this bill.

Mr. FRENCH. That is correct.

Mr. NEWTON of Minnesota. Under the authorization, when does the authority expire?

Mr. FRENCH. The authority expires July 1, next. May I say, however, that the President in his message recommended an extension of time for beginning these cruisers.

Mr. NEWTON of Minnesota. Then the fact remains just the same as it was in 1924, when the maneuvers were over, and the judgment of the experts was that we needed these cruisers, and yet here we have only two of them upon which any considerable amount of work has been done and three for which no appropriation has been made with the authorization about to expire. I ask the gentleman frankly whether he thinks, after Congress has taken action of this kind, based upon the best advice available to us, that the authorization to Congress ought to be ignored in this fashion?

Mr. FRENCH. Well, the Congress has within its control the power to increase and to modify, to make additional allotments to build, or to strike out items that the committee has recommended. We simply use our judgment in preparing the bill and bringing it before the House. [Applause.]

Mr. NEWTON of Minnesota. Referring again to this act of December, 1924, section 4 says that in the event of an international conference for the limitation of naval armaments the President is empowered to suspend in whole or in part any of this building program. Of course, there has been no such conference. I have always had the feeling myself that under an authorization, when Congress announces a policy, that policy ought to be pretty fairly carried out by the Budget and by the Committee on Appropriations. The condition as to suspension of the building in section 4 has not been met.

It seems to me that we are in a position of keeping our Navy short of vessels which the best military and naval advice say we must have.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. I will yield to the gentleman from Oklahoma, but I am anxious to conclude my remarks.

Mr. McKEOWN. Did the persons who sat in at this disarmament conference have the benefit of the expert naval advice when they came to the question of scrapping our ships?

Mr. FRENCH. I have not the slightest doubt, my good friend, that the experts from the department were closely associated with all the actions of that conference, and because of that I have faith in the equity of the conclusions that were arrived at when the treaty was made.

Mr. McKEOWN. If that is true, they must have determined or found that the American Navy at that time was as good as or superior to any of the other navies; otherwise why would they have scrapped 300,000,000 tons of good ships on the ways and have left these old obsolescent ships that they talk about to be scrapped later on?

Mr. FRENCH. Unquestionably the representatives of our country on the whole balanced the Navy of the United States



with the navy of Great Britain and in ratio with the navies of other countries.

Mr. SPEAKS. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Certainly.

Mr. SPEAKS. The purpose of the disarmament conference was to agree upon some plan for abandoning the perfectly senseless race for naval supremacy, was it not?

Mr. FRENCH. That is correct.

Mr. SPEAKS. The object planned in that conference was to place a limitation upon the number of vessels and also the tonnage. Is that correct?

Mr. FRENCH. That is correct.

Mr. SPEAKS. No limitations were placed with respect to decreasing armaments. In other words, any nation could abandon all naval activities if it so desired?

Mr. FRENCH. Yes.

Mr. SPEAKS. I would like to know from the gentleman whether or not all the nations who signed the disarmament treaty have fulfilled in every respect the obligations they entered into on that occasion?

Mr. FRENCH. The subcommittee raised that question when the officers of the Navy Department were before us, and we have been uniformly advised that, so far as our officers of our Government know, the obligations assumed by other countries are being scrupulously adhered to.

Mr. SPEAKS. Then, so far as the results of the disarmament conference are concerned, the plan is working admirably, and the only difficulty we are having now relates largely to the number of aircraft, a few cruisers, and the enlisted and commissioned personnel?

Mr. FRENCH. Not quite. There are some types of ships that the armament agreement did not reach, and as to those types we ought to have a still further conference before we act on a basis where we can say it is one that all nations will respect as they would respect a treaty agreement.

Mr. SPEAKS. One more question, if you please. Germany has no navy at the present time, has she?

Mr. FRENCH. That is about right.

Mr. SPEAKS. Is Germany in any particular danger because she lacks a navy? [Laughter.]

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. I yield to the gentleman from Virginia.

Mr. MOORE of Virginia. The gentleman has stated, as I understand, that this, in the main, is an administration bill.

Mr. FRENCH. Generally speaking, we have followed the recommendations in the bill reported by the Budget.

Mr. MOORE of Virginia. I understand, laying minor questions, such as the personnel question, aside, we have two major questions here which represent the difference between the administration and those who disagree with the administration, namely, with respect to appropriations for and completing the 1924 cruiser program. That is one issue, and the other is appropriating for the construction of a dirigible. That is the second issue. Those two issues comprise really the case that is before the House and the case on which we have to pass?

Mr. FRENCH. That is as I understand it.

Mr. LA GUARDIA. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. LA GUARDIA. There has been very much talk in and out of Congress about the great number of submarines which Japan has. I was surprised to see the statement that while we had 50, Japan had only 42. May I ask the gentleman as to the correctness of that and the source of information?

Mr. FRENCH. All the facts I have given come from the Navy Department.

Mr. LA GUARDIA. So that Japan has only 42?

Mr. FRENCH. Japan has 6 fleet submarines built and 43 submarines of the first line.

Mr. LA GUARDIA. I understand it is impossible for one of the airplane carriers to take the sea until a channel is dredged to let her out. Who is responsible for that?

Mr. FRENCH. The chairman of the subcommittee does not understand that that situation exists.

Mr. LA GUARDIA. The fact is that \$3,500,000 is necessary to complete those two carriers. Is that correct?

Mr. FRENCH. That is correct.

Mr. LA GUARDIA. When we appropriate to complete them it will be the third time that we have raised the limit of cost.

What is happening to make all these appropriations necessary?

Mr. FRENCH. The cost-plus principle that was adopted some years ago as to those ships is the factor that is responsible.

Mr. LA GUARDIA. Let me ask the gentleman this question: I notice you ask 3,500 more marines than the number suggested by the Budget Bureau.

Mr. FRENCH. Twelve hundred more.

Mr. LA GUARDIA. Is that because we are intervening in Nicaragua and other countries where we have no business to intervene?

Mr. FRENCH. Oh, no. I explained to the House a while ago that since the Budget estimates came to the Congress a situation arose that drew upon the marines of our country to protect the mails. We have withdrawn 2,500 of the marines from Quantico and San Diego for that purpose; the result is that the situation has been so modified that we did not feel we would be justified in reducing the personnel at this time. So for the time being and until the situation clears we recommend the regular enrollment of the marines that we are carrying to-day.

Mr. LA GUARDIA. I suggest that without any embarrassment to anyone we could withdraw a few from Nicaragua.

Mr. BLACK of New York. Will the gentleman yield?

Mr. FRENCH. I yield to the gentleman from New York.

Mr. BLACK of New York. The committee in its report at the first session of the Sixty-ninth Congress stated that it recommended appropriating for the three additional cruisers authorized by the 1924 act, but in view of the fact that there was another regular session coming before the termination of the authority, to wit, this session, you would not go ahead and appropriate at the first session of the Sixty-ninth Congress. I call your attention to the fact that when you made that statement with regard to these three extra cruisers there was a disarmament conference pending. Since then that conference at Geneva has proven a failure, and it seems to me that if we needed them before the meeting of that disarmament conference, and which disarmament conference has completely fallen down, certainly we need them now. What has caused the committee to change its mind?

Mr. FRENCH. The gentleman knows that when we reported the bill at that time the conference had not even met.

Mr. BLACK of New York. But it was in contemplation.

Mr. FRENCH. It was in contemplation, yes; and the President has been authorized to stop at any time the building construction work contained in any program that was on the way. Now, then, following that time the conference did go into session; it continued its session until in September of last year; an adjournment was had until next March or April, and now, during the recess of that conference, it is judged by the administration that the best thing to do is not to make an appropriation for new cruisers.

Mr. BLACK of New York. Will the gentleman answer this question? Is that the thought of the committee, the thought of the General Board and other naval experts, or are we getting our orders from the administration?

Mr. FRENCH. On the question of international policy, I believe we ought to follow the policy recommended by the head of our administration, the one charged with the responsibility of the international relationships of the United States. [Applause.]

Mr. BLACK of New York. I will say to the gentleman that this Congress is charged with the responsibility of protecting this country, and this Congress and this committee know that they are not ready and not willing to protect the country by an adequate naval defense. I have that from the report of the committee, made at the first session, and all we have against that is the hypothetical proposition that there may be a successful disarmament conference. We have found already that the disarmament conference was a failure, and we can not afford to saddle the responsibility on the Executive and escape our responsibility. The responsibility is primarily ours and goes back intimately to the action of this committee, and when this committee reported at the first session of this Congress that we needed cruisers, so much the more should this committee report at this time that we need cruisers.

Mr. UPDIKE. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. UPDIKE. The program of 1924 authorized the construction of eight cruisers, and two of them, I understand, are under construction at this time.

Mr. FRENCH. That is correct.

Mr. UPDIKE. Will the gentleman tell the House how much has been done with reference to the construction of these two cruisers and how long it will take to finish them?

Mr. FRENCH. As to those first two, there will need to be an additional appropriation of \$8,250,000 to complete, and it is supposed they will be completed July 9, 1929.

Mr. UPDIKE. Does the gentleman know whether or not the keels of both of these ships have been laid down? Is it not a fact that the keel of only one of these ships has been laid down?

Mr. FRENCH. One of these cruisers is about to be laid down; all material is ready. The other was laid down in October last.

Mr. UPDIKE. I wanted to get the matter clear in my mind.

Mr. FRENCH. I want to thank the House for its very generous attention. [Applause.]

Mr. AYRES. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. VINSON].

Mr. VINSON of Georgia. Mr. Chairman and Members of the committee, in view of the chart which the gentleman from Idaho has used in his very able presentation of the viewpoint of the subcommittee, I deem it necessary to make some statements about what took place at the Washington conference in 1922 and what has taken place since the Washington conference. When this conference assembled in 1922, as everyone knows, this Government had in process of being built and in commission at that time one of the greatest navies in the history of the world. As a result of that conference, we took out of the battleship line 17 battleships that were in actual commission. In addition to that, we took out 2 ships that were classified as obsolete, making 19 ships. In addition to that, we had in the process of being built 7 battleships and 6 battle cruisers, for which we had appropriated over \$350,000,000, and they were anywhere from 35 to 45 per cent completed. The tonnage of the ships we took out of commission and which were carried as obsolete amounted to 289,580 tons. The tonnage that was in process of being built amounted to 552,800 tons. So as a result of that conference—and let everyone remember this—we agreed to scrap and have scrapped 32 ships having a total tonnage of 842,380 tons. That, Members of the House, was our contribution to a more lasting peace and to aid in the reduction of competitive armaments among the nations of the world.

Now, let us see what England agreed to do and what England did. England took out of commission 4 ships. She had 18 ships that she carried as obsolete. She therefore offered as her contribution 22 ships. Let this fact be impressed upon your minds, that of these 22 ships only 4 of them were in commission and had men upon them.

Eighteen of them were obsolete, carried as obsolete by the British Admiralty, and of her 22 ships their tonnage was 447,750 tons. She had at that time no ships in process of being built.

Now, let us see what Japan's contribution was. Japan agreed to scrap and to take out of commission 12 ships of a total tonnage of 192,750 tons. She had in process of being built 4 ships, which she also agreed to scrap, of a total tonnage of 161,958 tons. Japan's total contribution in the interest of a more lasting peace was 16 capital ships of a total tonnage of 354,709 tons.

Now, France and Italy—

Mr. MONTAGUE. Before the gentleman leaves Japan, will he permit me to ask a question?

Mr. VINSON of Georgia. With much pleasure.

Mr. MONTAGUE. Did not the conference provide an exception as respects Japan in the particular of giving to her the right to complete the construction of the largest battleship in the world?

Mr. VINSON of Georgia. That is correct.

Mr. MONTAGUE. I did not like to disturb the gentleman, but I did not want you to leave Japan without that fact appearing.

Mr. VINSON of Georgia. At that conference two other nations, France and Italy, signatories to the treaty, had no ships in process of being built, and agreed to scrap no ships.

Now, Mr. Chairman, that is the contribution that each nation that entered into the Washington conference made.

As a result of the conference, let us see what happened: The United States had left 18 battleships of a total tonnage of 552,850 tons. The British Empire, after she has put in commission the *Nelson* and the *Rodney*, that took the place of the four ships that she took out of commission and scrapped as a result of the Washington conference, will have 20 capital ships of a total tonnage of 558,950 tons. Japan, after she has scrapped her 16 ships, has 10 capital ships of a total tonnage of 301,320 tons; and by 1941 Japan, under the ratio of 5-5-3, is entitled to a total tonnage of 315,000 tons. France has 9 capital ships with a total tonnage of 194,544 tons, and Italy 7 capital ships with a total tonnage of 133,670 tons.

This is the strength of the navies that engaged in the treaty as a result of the Washington conference.

Mr. LAZARO. Will the gentleman yield for a question at this point?

Mr. VINSON of Georgia. Yes.

Mr. LAZARO. And among the 18 battleships that we kept there were 6 that were coal burners and lacking in gun range in comparison with the British and the Japanese ships.

Mr. VINSON of Georgia. Yes. I will state to the gentleman from Louisiana that six of the ships we kept, in my opinion, should have been included in those that were scrapped, and we should have retained some of the large battleships we were building which were, in turn, scrapped. We have spent over \$22,000,000 in reconditioning the six old battleships that should have been scrapped, and our committee today is conducting hearings to determine whether or not it is economical to spend \$12,000,000 more to recondition two of the ships kept, the *Oklahoma* and the *Nevada*.

Mr. LAZARO. Will the gentleman yield for another question, and then I shall not disturb him further?

Mr. VINSON of Georgia. Yes.

Mr. LAZARO. Did I understand the gentleman from Idaho to say a while ago that at this international conference on the limitation of armament our representatives did not consult the Navy experts?

Mr. VINSON of Georgia. Well, the gentleman from Idaho had so many figures and said so much that you can not prove by me much about what the gentleman from Idaho said.

Mr. LAZARO. I understood him to say that.

Mr. McCLINTIC. Is it not a fact that Admiral Coontz was assigned to the disarmament conference?

Mr. VINSON of Georgia. Yes; and Secretary Hughes—

Mr. McCLINTIC. And the Navy was represented there?

Mr. VINSON of Georgia. Yes.

Mr. BLACK of New York. But the Navy plans were not carried out there.

Mr. VINSON of Georgia. Well, I would hate to think that our naval experts originated this idea that ultimately was written into the treaty.

Mr. LAZARO. You would not think they would be that simple.

Mr. VINSON of Georgia. Out of our 18 capital ships we have only 14 ships armed with guns of over 13 inches. Of the British Navy every ship of her 20 is armed with guns of either 13 or over 13 inches, and every ship of the Japanese Navy is armed with guns of either 13 inches or more.

Mr. WINGO. The gentleman means capital ships?

Mr. VINSON of Georgia. Capital ships; yes.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. AYRES. Mr. Chairman, I yield the gentleman five minutes more.

Mr. VINSON of Georgia. "The object and purpose of the conference was to reduce"—and I am quoting—"the burden of competition among the nations that agreed to the conference."

There was no limitation agreed to in reference to auxiliary craft, and there was a limitation agreed to on cruisers of 10,000 tons. No agreement was reached in reference to destroyers, submarines, and such like.

It is highly important to ascertain what this Nation, as well as other nations—and this is what I want to impress upon you—has built, authorized, and appropriated for since the Washington conference.

Let us see what we have done. Let us see about our contribution toward a further reduction of naval armament. The United States since 1922 has laid down two airplane carriers, two light modern cruisers of the first line, three submarines of all classes, six gunboats, and, in addition to those laid down, we have appropriated for three light modern cruisers, making a total of 16 ships of war that we have laid down and appropriated for since the Washington conference, or a total tonnage of 120,909.

Let us see what Great Britain has done. Great Britain has laid down—and by laying down I mean actually being built—two battleships of 35,000 tons each, the *Rodney* and the *Nelson*, that took the place of the four old ships that she took out of commission or that she got rid of.

Great Britain got rid of her old ships, but we kept our old ships and appropriated \$22,000,000 to repair and make them serviceable. In addition to that, Great Britain has laid down 2 airplane carriers, first line, the *Courageous* and the *Glorious*; 11 light modern cruisers, first line; 1 cruiser mine layer, 2 destroyers, 4 submarines of all classes, 4 gunboats. In addition to those laid down, she has appropriated for 3 modern cruisers first line, 6 submarines, 1 submarine tender, 1 supply ship. Great Britain since 1922 has either laid down or appropriated for 37 ships of war of a total tonnage of 285,795.



Bear in mind that the object and purpose of the conference was to reduce competition in naval armament. Now, let us see what Japan has done.

Japan has laid down 2 aircraft carriers, first line, the *Akagi* and *Koyo*; 12 light modern cruisers, first line; 35 destroyers, 30 submarines of all classes, 4 gunboats, 6 mine sweepers, 2 submarine tenders, 3 tankers, and 1 supply ship.

In addition to what she has laid down she has appropriated for 4 destroyer leaders, 8 destroyers, 9 submarines. Since the Washington conference, which was contemplated to reduce competition in naval armament, Japan has laid down and appropriated for 116 ships of war of a total tonnage of 339,201.

Now, let us see what France has contributed toward reduction of naval armament. France has laid down 1 aircraft carrier, first line; 6 modern cruisers, first line; 1 cruiser mine layer, 6 destroyer leaders, 21 destroyers, 28 submarines, 1 submarine tender, 1 tanker, and has appropriated for 1 modern light cruiser, first line; 3 destroyer leaders, 4 destroyers, 11 submarines, 1 gunboat, 1 submarine tender, 2 tankers. That is a total of 88 ships of war, with a total tonnage of 221,828.

Italy has laid down 2 light modern cruisers, first line; 16 destroyers, 13 submarines, 9 mine sweepers, 4 tankers, 2 supply ships. She has none appropriated for, making a total of 46 ships of war. Italy has laid down since the Washington conference a total tonnage of 102,207 tons. By the act of December, 1924, Congress authorized the building of eight scout cruisers within treaty limit—that is, not over 10,000 tons—and with guns not larger than 8 inches.

Now let us see the status of the nations with reference to their strength in modern cruisers. The United States has 10 modern cruisers classified as scout cruisers under 15 years of age, ranging in tonnage from 3,000 to 10,000 tons. The total tonnage of these ships is 75,000 tons. We are building two of 10,000 tons each and have appropriated for three of 10,000 tons each, making a total for the United States of 15 scout cruisers of 125,000 tons.

Bear in mind that the contracts have not been let for three that we have appropriated for, and, if my memory serves me correctly, there has been only an appropriation of \$1,200,000 for the commencement of the three, but when they have been finished—and no one can tell when that will be at the rate we are now going—we will have, as I have above stated, 15 of a total tonnage of 125,000 tons.

The British Empire has 40, ranging in tonnage from 3,000 to 10,000, and within 15 years of age. Their total tonnage is 194,290 tons, and in addition to those she is building 11 of a total tonnage of 110,200 tons and has appropriated for three of 28,000 tons, making a total for the British Empire of 54 scout cruisers of a tonnage of 332,290 tons.

Mr. FRENCH. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. FRENCH. The gentleman a moment ago referred to the 10 light cruisers of the United States as ranging from 3,000 to 10,000 tons. Is it not correct to state that the 10 are 7,500 tons?

Mr. VINSON of Georgia. Exactly.

Mr. FRENCH. The point is this: The inference might be drawn from what the gentleman said that there are some of 3,000 tons, and in view of that fact the gentleman would not want that inference left.

Mr. VINSON of Georgia. No; I am showing that the 54 scout cruisers of Great Britain are from 3,000 to 10,000 tons, with 3 to 8 inch guns and within 15 years of age. That is the same comparison I have made with reference to ours.

Mr. FRENCH. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. FRENCH. Many of those cruisers of Great Britain are below 5,000 tons. In fact, most of them are below 5,000 tons.

Mr. VINSON of Georgia. That may be true.

Mr. FRENCH. It is true; while, on the other hand, not one of the 15 American cruisers to which the gentleman has referred is below 7,500 tons.

Mr. VINSON of Georgia. I stated the comparison was between 3,000 and 10,000 tons. Of course, some of Great Britain's may be fifty-five hundred tons or sixty-five hundred tons. Our 10 are 7,500 tons each.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. BLACK of New York. The gentleman from Idaho evidently thinks that the 10 cruisers authorized on paper can lick these small British cruisers.

Mr. FRENCH. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. FRENCH. I still think the gentleman does not want to leave an unfair impression to be drawn from his statement.

He has mentioned 15 cruisers, either built or building, or appropriated for by the United States, and he says that they are in a class from 3,000 tons to 10,000 tons.

Mr. VINSON of Georgia. Is not that correct?

Mr. FRENCH. No, it is not; and when the gentleman leaves that inference he is wrong, because, as a matter of fact, 10 of them are 7,500 tons each, and the other 5 are 10,000 tons each, and not one of them is below 7,500 tons.

Mr. VINSON of Georgia. It is the difference between tweedledum and tweedledee. The gentleman is correct and so am I, in the way I am expressing it. I am expressing it exactly like the Navy Department expressed it to the gentleman when it sent a statement of comparison of cruisers of these different nations.

Mr. FRENCH. The gentleman might just as well say that the cruisers are in tonnage from 1,000 to 10,000 tons.

Mr. VINSON of Georgia. I say that they are from 3,000 on up.

Mr. FRENCH. While there is not one of less than 7,500 tons.

Mr. BUTLER. Mr. Chairman, let me employ my friend's analytical mind for a few moments.

Mr. VINSON of Georgia. I thank the gentleman for the compliment.

Mr. BUTLER. The country knows, and knows it well, that in 1931 we can not have more than 125,000 tons of these cruisers, as against 332,290 tons of Great Britain's. Am I not correct in that?

Mr. VINSON of Georgia. Absolutely.

Mr. BUTLER. Ten of our cruisers certainly have 7,500 tons each, and nobody denies that; but do not let us quibble. We want some more, and we need them if we are going to compete with these other people. Let me suggest one other thing. Will the gentleman please say to this House what the English propose to do within the next four years?

Mr. VINSON of Georgia. Yes.

Mr. BUTLER. Has the gentleman that information?

Mr. VINSON of Georgia. Yes.

Mr. BUTLER. Build 78,000 tons more.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. MONTAGUE. I understand that the Limitation of Armament Conference that met in Washington made the limitation applicable to capital ships.

Mr. VINSON of Georgia. Only.

Mr. MONTAGUE. And scout cruisers to an extent of 10,000 tons.

Mr. VINSON of Georgia. That is correct.

Mr. MONTAGUE. The limitation was upon the tonnage of cruisers?

Mr. VINSON of Georgia. Yes.

Mr. MONTAGUE. And not upon the number.

Mr. VINSON of Georgia. That is correct.

Mr. MONTAGUE. I did not know that that had appeared. Therefore, so far as the limitation of armament is concerned, the gates are wholly down as to the number of cruisers and all auxiliary craft.

Mr. VINSON of Georgia. The gentleman is correct.

Mr. BUTLER. Absolutely.

Mr. WINGO. Before the gentleman leaves that portion of his remarks will he yield to me?

Mr. VINSON of Georgia. Yes.

Mr. WINGO. Whatever may be true about the dispute in respect to the tonnage of the individual ships, at the present time our tonnage is 75,000, and the tonnage of Great Britain 194,000?

Mr. VINSON of Georgia. Actually built. The gentleman is correct.

Mr. WINGO. Physical limitations are such that by 1931 we will have 125,000 tons and Great Britain will have over 400,000?

Mr. VINSON of Georgia. She will have 332,290 tons.

Mr. BLACK of New York. We will not have 125,000 tons.

Mr. VINSON of Georgia. We will if we get the money.

Mr. BLACK of New York. But not this way.

Mr. VINSON of Georgia. Great Britain has 40, ranging from 3,000 tons to 10,000 tons each within 15 years of age, and they are armed with from 3 to 8 inch guns, and my distinguished friend my Pennsylvania [Mr. BUTLER] can tell how many torpedo tubes they have.

Mr. BUTLER. Twelve on each one, of 21 inches.

Mr. VINSON of Georgia. The total tonnage is 194,290, and in addition to what she has already built, she is building 11 with a total tonnage of 110,000, and has appropriated for 3 with a total tonnage of 28,000; making a total for the British Empire of 54 scout cruisers of 332,290 tons.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. AYRES. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. BUTLER. Mr. Chairman, will the gentleman from Idaho give me 15 minutes on this side?

Mr. FRENCH. Yes.

Mr. BUTLER. I would like to yield those 15 minutes to my friend from Georgia.

The CHAIRMAN. The gentleman can not do that.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. LAZARO. Would the gentleman mind going back to the battleships for a moment to answer this question. Congress appropriated money to convert these six battleships from coal burners to oil burners, and elevate the guns so as to increase the range.

Mr. VINSON of Georgia. Yes.

Mr. LAZARO. Is it not true that this money was returned to the Treasury?

Mr. VINSON of Georgia. The money for elevating the guns was returned. The money for converting from coal to oil burners was utilized, and they expended for deck protection, submarine protection, on these six ships \$22,000,000.

Mr. LAZARO. Why can we not elevate the guns?

Mr. VINSON of Georgia. I hope we will be able to do so.

Mr. BUTLER. We will do it.

Mr. VINSON of Georgia. Let us see about Japan's strength. In reference to cruisers Japan has 19 scout cruisers from 3,000 tons to 10,000 tons each within 15 years of age, the total tonnage being 102,005. In addition thereto she is building 6 with a total tonnage of 54,200, and she has none authorized or appropriated for; making a total for Japan in modern cruisers of 25, with a total tonnage of 156,205.

France has built three with a total tonnage of 16,731 and is building six with a total tonnage of 53,619, and has appropriated for one, making 10 scout cruisers in all, with a total tonnage of 80,350.

Italy has eight with a total tonnage of 30,780 and is building two of 20,000 tons and has appropriated for none; a total of 10 scout cruisers with a total tonnage of 50,780 tons.

Now, members of the committee, in conclusion, the object and the purpose, as I have stated repeatedly, of the Washington disarmament conference was to contribute to the maintenance of general peace and to reduce the burden of competition among nations. Since the conference we have built or appropriated for 16 ships of war. The British have built or appropriated for 37 ships of war. Japan has built or appropriated for 116 ships of war. France has built or appropriated for 88 ships of war and Italy has built or appropriated for 46 ships of war.

The United States scrapped 842,380 tons, and we have appropriated for and rebuilt since the conference 120,909 tons. The British Empire scrapped 447,750 tons, and since the conference she has built and appropriated for 285,795 tons, or within 161,953 tons as much as she has scrapped. Japan scrapped 354,709 tons, and she has built or appropriated for since the conference 330,201 tons, or replaced within 15,508 tons of what she scrapped as a result of the Washington conference. France did not scrap any ships, but since the conference she has added to her naval strength 221,828 tons. Neither did Italy scrap any ships. As a result she, too, has added to her navy 102,207 tons.

Now, Mr. Chairman, it is for Congress to determine what our policy shall be. It is for Congress to determine whether or not we shall continue to let our Navy stand in the position it is in while other navies are being built within the rights of the treaty. That is the question as stated by the gentleman from Virginia [Mr. Moore]. That is one of the main questions in issue for Congress to determine. At the proper time amendments will be offered and the Members will have an opportunity to express their views as to what the Nation's policy shall be. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. SPEAKS. Will the gentleman permit a question?

Mr. VINSON of Georgia. My time has expired.

Mr. AYRES. I yield to the gentleman one minute more.

The CHAIRMAN. The gentleman from Georgia is recognized for one minute more.

Mr. SPEAKS. The gentleman states that at the time of the disarmament conference we were engaged in a building program which, if completed, would have made our Navy the greatest in the world.

Mr. VINSON of Georgia. Yes.

Mr. SPEAKS. And that we scrapped about 846,000 tons as the result of that conference. Is that correct?

Mr. VINSON of Georgia. Yes.

Mr. SPEAKS. Had the original building program been completed, and had we not scrapped the 846,000 tons, would not our Navy have been approximately double the strength it has to-day?

Mr. VINSON of Georgia. That is correct.

Mr. SPEAKS. We are asking in this bill for \$316,000,000. Is the gentleman bewailing the fact that we are not appropriating \$632,000,000 instead of \$316,000,000? In other words, it would seem conclusive that the disarmament treaty restricting naval construction and the scrapping of a large amount of tonnage will this year save the Government hundreds of millions of dollars.

Mr. VINSON of Georgia. No. The gentleman is not bewailing the fact. He has been endeavoring to enlighten the House as to what a complete failure the Washington disarmament conference was.

Mr. SPEAKS. I do not understand how the gentleman reaches the conclusion that the Washington disarmament conference was a failure, in view of the facts and figures presented in his statement and which seem to establish conclusively that our expenditures for naval purposes have been greatly reduced without impairing efficiency.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. AYRES. Mr. Chairman, I yield to the gentleman from New York [Mr. BLACK] 15 minutes.

The CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, a rather strange thing happened on the floor to-day. We had a confession from the chairman of an important committee of this House that in spite of the fact that his committee has hitherto recommended the construction of three additional cruisers, and the General Board of the Navy, the experts of the Navy, had recommended it, yet in view of the administration policy in international affairs they are not going ahead. A strange admission as to the administration and international policy. It is a question that redounds upon us through our responsibility under the Constitution for 100 per cent protection to the American people.

I always like to listen to the distinguished gentleman from Idaho [Mr. French] in debate, and in a cause he is an ideal witness, a great evader. He said we could not go ahead with aircraft carriers, in spite of the fact that the British have seven instead of our three, because we have not the last word in aircraft. What a ridiculous statement! What country has the last word in the matter of defensive armament? On the same theory as that which the gentleman seems to have adopted, we ought not to have a Congress until we can have a Congress composed of men of perfect intellectual faculties like those of Woodrow Wilson.

He also said in some cases we have a better average tonnage.

That is not the question. The question is, Are we in the aggregate equal to Great Britain? Great Britain will not make an arrangement with us in case she goes to war to the effect that she will use only her little ships against our big ones. Remember what Balfour did to us in the conference. Anyway, do not send Hughes to make the deal. The whole proposition, as stated by the gentleman from Idaho in his legendarian argument and as indicated by the chart that was before us, is ridiculous. What we want in this country is an adequate Navy, a Navy as far up to 5-5-3 ratio as we can get. We ought to have it all the way up. If it is a good general proposition, let us look up to it. If the other nations are sincere in their preachments about disarmament, let them cut down their cruisers. Let them cut down their submarines, and let them cut down their aircraft carriers to the 5-5-3 ratio.

The whole proposition of that 5-5-3 ratio was a general naval proposition, and when our people walked out of that conference, having scrapped our battleships, then our people did serious damage to American citizens. It is up to us to relieve that damage. Even Secretary Hughes recognized that. He said after the conference:

It is essential that we should maintain the naval strength of the United States.

But our chairman says, with his heart in his voice:

The British would starve if they did not have great ships.

If we are going to have a war with Great Britain, will we send them food and organize relief expeditions to supply them with ammunition, and are we going to give them ships?



Are we going to appropriate funds to give them ships? That is the brutality of war and that is the chance of war. If the British must starve because they have only a fair navy as compared with our Navy, so much the better in case of war with us. I would rather see the British starve than have the people in my district bombarded, and I am sure the people on the California coast would feel the same way about it.

Then about our forts. You would think we had forts with which to protect our coasts, but General Taylor, chief of the Army Engineers, has said that our harbor defenses are obsolete. In view of that we must build up the Navy.

This to me resolves itself into a simple question. It is just a question of cheap politics. That is all it is. The gentleman from Idaho said in response to a question of mine that he would follow the head of the Nation on this question. So far as I am concerned, I would cut off the head of the Nation on this question, because I think the head of the Nation has fallen down flatly in his duty to the American people. I think, moreover, he knows it if he has seen the report of the General Board and of the War College. In this bill the House will decide whether Congress considers the political future of Calvin Coolidge of more consequence than the safety of the Republic. The committee seems willing to gamble this Nation, whose wealth is four hundred billions, or 40 per cent of the total wealth of the world, against an expenditure of \$100,000,000, so that our one-issue President may prate about economy as he burns up the country's money on the naval unit he cherishes, the luxurious *Mayflower*. He knows that we have no 5-5-3 ratio in cruisers or submarines. He knows that our cruiser ratio is to Great Britain as 2 is to 5, and as to Japan in fleet submarines as 3 is to 6. I wonder how he would like to go into the Republican National Convention on the short side of such ratios against Longworth or Lowden? Yet he wants our naval men in the battle of guns to be inferior to the British or the Japs. Self-preservation has been the first law of nature, and King Cal, the chemist, has always observed it. If it is good enough for him, it is good enough for the rest of the country. He has changed the old naval slogan of "Don't give up the ship," to "Don't budge the Budget." The question is not what we can afford, but what do we need for protection? Pacifism for ideals is dangerous, but respectable pacifism for politics is dangerous and despicable. Like he assumes the dual personality of President and official spokesman he now wants the Navy reinforced by a paper navy.

The chairman of the subcommittee says we will have additional protection through the Coast Guard—the dry navy—in case we should have war. Nobody here really knows just what the situation is in the Navy, and that is what we want to find out to-day. It was shown that we do not know what the situation is during the debate between the gentleman from Idaho [Mr. FRENCH], the chairman of the Subcommittee on Appropriations, and the distinguished gentleman from Georgia [Mr. VINSON], a member of the Naval Affairs Committee. There is a lot of confusion about it; we have got to admit it, and we must get at the facts. We must report to the people, and we must protect the country.

I have a resolution pending in the Rules Committee requiring the Subcommittee on Appropriations and the Committee on Naval Affairs to join as one committee and to summon the officers of the War College before it in order to find out just what is the situation in regard to our relative naval strength. The Washington Post last Monday, in a very strong editorial, says that is the only way you will be able to secure full information as to this naval question.

I have a letter here from a distinguished naval critic, not a British critic, and he writes me to this effect:

WASHINGTON, January 2, 1927.  
Congressman BLACK,  
House Office Building, Washington, D. C.

MY DEAR MR. BLACK: In your resolution (H. Res. 338) in the House of Representatives, December 15, 1926, I find the words, "to permit the use of the Navy Department, including the facilities of the Naval War College at Newport."

There has been, and is, a great diversity of opinions outside the Navy Department and the Naval War College on the interpretation of the 5-5-3 ratio and what constitutes national defense.

It is obvious that the heads of the United States Government, the United States Senate, and the House of Representatives have either been not informed, misinformed, or have neglected to look thoroughly into the status of our naval defenses and comparisons with other naval signatory powers of the Washington arms treaty.

Chairman BUTLER, House Naval Affairs Committee, makes a brave and honest confession that America had been fooled and he had been deluded. That is evident in the fact that the four signatory naval powers have increased tons and guns while the United States Navy has decreased.

There is no longer any doubt that the letter and spirit of the Washington arms treaty has been violated. The Washington arms treaty as understood and pledged is equal with Great Britain and 5-3 over Japan. This was understood in 1922, when the Secretary of the Navy directed the General Board to formulate a United States naval policy. The complete work, which was approved by the Secretary of the Navy, concludes that the balanced fleet for the United States Navy requires:

1. Eighteen battleships, all maintained in the highest state of efficiency. This necessitates in the cases of some of them: (a) An increase in the elevation of guns; (b) a change from coal fuel to oil fuel; (c) increased protection against torpedoes and bombs.
2. Sixty modern light cruisers. In order that our strength in this respect may equal that of Great Britain and be superior to that of Japan in the ratio of 5 to 3, there should be authorized a building program of 50 new vessels, 10 of which should be laid down each year for the next five years.
3. Two hundred and seventy destroyers, our present number. As all of these vessels are the same age, and, in consequence, become obsolete at practically the same time, a replacement program should be immediately initiated.

Right here, parenthetically, the gentleman from Idaho says the reason we do not need so many sailors is because, while we have a great number of ships for comparison purposes, we have a great number out of commission.

4. Fifteen destroyer leaders. There are no vessels of this type in the fleet. All of them should be provided for at once.

5. One hundred and ten modern, effective submarines. In order to obtain this number, a building program of 45 new vessels is necessary. All new submarines should be capable of operating as a part of and with the fleet.

6. Five first-line airplane carriers. There are two under construction. Three additional should be laid down as soon as practicable.

I want to point out that the chairman of the subcommittee neglected to say that Australia is building an airplane carrier that is chargeable to the British quota.

7. Six lighter-than-air ships. As the *Los Angeles* is only for commercial purposes, provision should be made to augment the *Shenandoah* by five new dirigibles.

This is an old report and was made prior to the ill fate of the *Shenandoah*.

8. Sufficient train vessels to insure the efficient operation of the combatant fleet.

All attempts to place before Congress the exact conditions and requirements of the Navy have been defeated. It is therefore of vital importance to our national security to call on the Naval War College for a complete and impartial report on the ratio of all naval powers, including the United States Navy.

The importance of this, as covered by your resolution, can no longer be ignored in view of the Naval War College findings and opinions, in part as follows:

"The data has not all been compiled, but there is more than enough to show what condition we are in now and how we were sold out at the conference. I can not believe that it was done wittingly, but I do know that we conceded more than we should and more than the board of naval experts recommended as the minimum. \* \* \* It would take too long to go into all the details of the matter, but I will say this: We are hopelessly inferior to Great Britain in capital ship strength—range, rapidity of fire, weight of metal thrown, destructive effect, etc.—and the hell of it is, there is nothing that Congress can do under the treaty that can elevate us from our hopeless inferiority in capital ship strength. Gun elevation will not do it. Blisters will help. Thickness of deck armor will help; but we can not structurally do this. Our 16-inch guns are inferior in fire effect to their 15-inch. What is the answer? Strange as it may seem to one who has not heard the reasons for such a drastic departure in our policy—I often wonder if we have one—the answer is high-speed 10,000-ton cruisers with no armor, unless they have some 5 to 6 inch deck armor, equipped with 8-inch guns. This will give you an inkling as to our condition. \* \* \* P. S.: I have only scratched the surface."

The following table is the result of six problems played or worked out at the War College:

Yards	American (in battle)	Ships sunk	Time (minutes)	British (in battle)	Ships damaged
1. 15,000	18	All	21	22	58
2. 17,000	18	All	27	22	47
3. 23,000	18	All	45	22	18
4. 25,000	5	All	45	13	12
5. 29,000	5	All	75	13	13
6. 30,000	5	All	84	13	11
					Per cent

British gun elevation 20° minimum.  
United States 13 ships, 15° maximum.

Table of range of fire British and American

Yards	British ships (firing)	American ships (firing)
15,000	22	18
17,600	22	18
Above—		
21,000	22	12
22,000	22	10
23,000	22	8
24,000	22	5

Ships must fight and fire at given range until one or the other is destroyed. The life of a ship is expressed in number of hits that will render her incapable of further offensive or sink her.

British, American, and Japanese fleets fire most favorable for each fleet to adopt: Japanese, minimum, 25,000 yards; British, minimum, 24,000 yards; American, maximum, 13 ships, 22,000 to 23,000 yards.

The relative strength of the three naval powers as given by Naval Intelligence is—

	Great Britain	United States of America	Japan
Personnel	5	4.2	3.4
Aircraft carriers	5	2.9	2.3
Modern cruisers	5.1	1.5	2.6
Fleet subs	5	3.7	6.9

The United States destroyer strength, on which we may rely, does not exist. The 103 destroyers in commission are the best of that class 10 years old. The destroyers out of commission are deteriorating rapidly, all equipment must be replaced. It would take at least three years to repair and equip those ships and train 1,200 officers and 22,000 men, the number required for that service.

The ratio for destroyer leaders is:

Great Britain	5
United States of America	0
Japan	?

A further letter from the Naval War College, in part, as follows: "The American fleet is shown to be weak to a point of serious and alarming degree, not being backed up by reserves, auxiliaries, supplies, fuel, and a lack of policy and preparedness. The War College problems that were played show that we can not handle a battle fleet on the Pacific. Lack of bases, fully equipped, were reasons given. Mare Island can only figure as repair yard for light ships. There was no mention of any other base other than Panama. That to handle the battle fleet on the Pacific it will be necessary to dock the capital ships on the Atlantic and use the Panama Canal Zone as operating base, 600 to 700 ships for supplies and fuel would be necessary to guarantee supplies and fuel for the maintenance and operations overseas. There is no base or harbor in the Pacific equipped to accommodate the entire fleet in every respect."

The merchant marine strength of a nation should be considered a part of its navy. Within 30 to 90 days merchant ships can be converted to cruisers and aircraft carriers.

Great Britain can convert 42 merchant ships of 20 knots and over. Added to her five aircraft carriers, this would give the British Navy a plane carrying capacity of 2,500 to 3,000 airplanes, protected by a superior navy of capital ships, light cruisers, and fleet submarines.

There is every evidence that the United States Navy would be defeated in every major engagement.

The second paragraph of the General Board's report defines the "fundamental naval policy of the United States" in the following sentence: "The Navy of the United States should be maintained in sufficient strength to support its policies and its commerce, and to guard its continental and overseas possessions."

Our present naval policy is only to maintain. The building or replacement program gives way to the maintaining of certain almost worthless navy yards, which is not consistent with economy. Nor is Mr. McCarl, General Lord, or Congressman MADDEN qualified or justified to direct what is to be presented to Congress or what constitutes national defense. As to future naval disarmament, Great Britain has officially declared she will never disarm, and, with other signatory powers, has violated the letter and spirit of the Washington arms treaty.

All other naval powers recognize the fact that England can not and will not disarm. And these facts influence and guide the defense policies of all other powers.

Captain Smyth, United States Navy, officially stated "that the other nations were scrambling to construct as many ships 1 ton under the 10,000-ton limits as they can afford, and that each nation is trying to misrepresent others."

Europe and Japan's answer to future peace parleys and their faith in the success of further naval disarmament is demonstrated in Captain Smyth's statement.

America's faith in future naval disarmament is a danger and a delusion, backed up with only a misrepresentation that 5 cruisers are building and a further empty promise that 10 more will be built. This is only a sop to the American people.

I call to your attention the pledge made at Cleveland, "We pledge ourselves to fully maintain the Navy to the treaty ratio." The United States lived up to the treaty ratio in scrapping, but at no time have we made an attempt to live up to the building ratio. Our honor and duty are as much pledged one way as the other.

If the naval ratio is based on the Washington arms treaty, Great Britain should scrap 39 light cruisers and Japan should scrap 17 light cruisers. If, however, this is not done, the United States will be the only nation that has made real sacrifices under the Washington arms treaty.

The Hon. W. C. Bridgman, First Lord of the British Admiralty, officially stated: "Britain must retain her supremacy of the seas so far as cruisers are concerned," and suggested last July in London the status quo in cruisers.

France and Italy have stated that they will never give up their defense, the submarine. No arms parity at Geneva, or elsewhere, will reduce the superior cruiser strength of Great Britain and Japan to our ratio of 1-5.

If national defense is a nonpartisan issue, why wait until 1928 and risk the security of the Nation by putting the Navy in an irretrievable position?

Further hopes for naval disarmament is not the answer to meet our ratio in cruisers. Such hope is misleading and but a further attempt to crystallize the Harding-Hughes Washington arms pact, and a smoke screen as justification of the Nation voluntarily sacrificing its sea power.

The plea that appropriations at this time might embarrass the League of Nations disarmament plans is a misnomer. The League of Nations, dedicated to a martyr of peace, is desecrated by crafty statesmen, who barter and trade in weaker nations to satisfy the imperialistic policies of the powers. The inner council of the League of Nations is composed of the armed powers; their voice is recognized by their weight of armor; they jealously guard that recognized power of security and openly increase their diplomatic weight by the ever-increasing weapons of war. It is an armed peace by an armed league.

Your resolution, House Resolution 338, offers a sane and constructive means to form a policy of national defense.

The Naval War College and the Board of Strategy are better equipped to work out every plan of offense and defense and place before Congress the actual merit of weapon and class of ship.

To successfully attain the above, it is absolutely necessary to eliminate all political interference and influence. No single political, military, or naval mind is qualified to be the last word in what constitutes national defense.

The greatest influence brought to bear on our naval-defense policies should be the naval strength and naval policies of all other naval powers.

Your resolution offers the way to the Naval War College to submit all data and to demonstrate by problems before the Senate and House Committees on Naval Affairs our actual naval strength. This will bring into the light the unquestionable and indisputable facts.

The time has arrived to fill the gap in our naval weakness. Authorization means nothing without appropriations to build ships, and a policy to save the initiative of the service.

National defense and trade are one in order to guarantee security, peace, and prosperity, which is the shield to the immortality of a nation.

A policy of idealism is not a combative force. It is but the policy of the supergovernment which controls our destiny.

The intent of the Washington arms treaty is based on comparisons with other naval powers. Congress should be guided by those comparisons and relieve any one man, in whose hands rests the security of the Nation, of that great power and responsibility.

Respectfully,

W. B. SHEARER.

Mr. ABERNETHY. Will the gentleman yield?

Mr. BLACK of New York. Yes; I yield.

Mr. ABERNETHY. I would like to hear the gentleman on the question of when we are going to have some more sinkings of the various ones we have built.

Mr. BLACK of New York. We are not going to bother about that. If we should have a war, the British or the Japs will attend to that for us.

Now, here is where the President honestly stated the position, and this is from his message to Congress under date of December 6, 1923:

For several years we have been decreasing the personnel of the Army and Navy and reducing their power to the danger point.



Further reductions should not be made. The Army is a guaranty of the security of our citizens at home; the Navy is a guaranty of our citizens abroad. Both of these services should be strengthened rather than weakened. Additional planes are needed for the Army and additional submarines for the Navy. The defenses of Panama must be perfected. We want no more competitive armaments. We want no more war. But we want no weakness that invites imposition. A people who neglect their national defense are putting in jeopardy their national honor.

So spoke Calvin Coolidge in 1923 and yet look at what his spokesman on the floor of the House has said to-day about the Navy needs.

Mr. AYRES. Mr. Chairman, I yield 20 minutes to the gentleman from South Carolina [Mr. STEVENSON]. [Applause.]

Mr. STEVENSON. Mr. Chairman and gentlemen, I am going to turn aside just a little while from this discussion of armament and discuss for a few minutes the situation confronting many of the Representatives and the States that many of us represent here in the matter of the rights of the States to representation in either body of this Congress.

A few days ago, or at least within the last month, it was stated by a distinguished Member of the other body that there were precedents in the House of Representatives for denying a man a seat without his having been sworn in and having had a hearing. There is some precedent, but I want to discuss just a moment what the precedents amount to. A man presents his credentials here or in the Senate of the United States.

I am not discussing Senators, and therefore I have a right to refer to the body. It contains the great seal of the State that the man represents. It imports absolute verity. It is prima facie the right of that man to maintain on the floor of the body he proposes to join his representative capacity of the State from which he comes; and until that presumption is rebutted and rebutted by proof and rebutted under an opportunity to be heard and to have a trial and to be confronted by the witnesses, that man has the right to represent the State whose great seal he bears on his commission.

What are the precedents that were cited as being in the House of Representatives? The most notorious was one from my State, where one Whittemore, a reconstruction carpetbagger, came up here and did acts that were so disgraceful that the House was in the course of expelling him, and did adopt such a resolution after he resigned. The House, having heard him and having determined that he was guilty of conduct that was unbecoming a Representative of the State, he went back, and his constituents immediately reelected him to fill his unexpired term. He came back and presented his commission here and he was not allowed to be seated upon the floor. He was rejected, and as a result never was allowed to take the oath. But this was after the presumption that arises from the bearing of the commission with the great seal of the State upon it had been effectually rebutted and destroyed. He had had his hearing. He was merely here asking this body to overrule the former solemn judgment of this House and allow him to be seated, notwithstanding the infamy he had already placed against his name.

Mr. BOWLING. Will the gentleman yield for a short question?

Mr. STEVENSON. Yes, sir.

Mr. BOWLING. Did that particular person take the oath before the resolution of expulsion had been adopted?

Mr. STEVENSON. Yes; he had been serving for a year or more.

Mr. BOWLING. I mean when he came back.

Mr. STEVENSON. No; he was not allowed to take the oath.

Mr. BOWLING. He was not allowed to take the oath?

Mr. STEVENSON. No, sir. That is the precedent referred to, I take it, in the other body. That precedent is not a precedent for denying a Representative of a State the right to take the oath to which he is entitled because of the verity that is found in the great seal of the State that he represents. And so zealous were the people who made the Constitution that they said, "Yes; we will make the House and the Senate the judge of the qualifications of its Members. Yes; we will do that; but before we will allow the will of a State to be overridden or allow a Representative of the State to be declared not a Representative, except where there is a contest, there must be a two-thirds majority of the House finding that he is unfit to sit in the House to which he has been accredited by the seal of the State."

I have thought a great deal about the conditions that are confronting the Senate. I hope that our people will not be stampeded by clamor about primary corruption. Following the Whittemore case Mr. BINGER was expelled from the House.

He was reelected and came and presented his credentials. The very fact he had been expelled resulted in his being denied the right to take the oath. This was in the stress of war. Since that time even that has been waived, and he now sits with us. There was also the Brigham Roberts case, I believe, from Utah, where under the stress of agitation and a religious issue and an issue of polygamy and various other things there was a long investigation, and I believe he was never allowed to take the oath and become a Member of the House; but that should not be regarded as a precedent, because I do not think that was a well-considered judgment. It was one of fear rather than of justice and of law.

I say these things because to my mind those of us who represent conservative constituencies, who have always had great regard for the Constitution, should not sit down idly and let the constitutional provision be swept aside by the passions that may arise out of the scandal that has grown out of a primary election or any other kind of election.

I am not alarmed at the continual intimations that are being made that they will investigate and determine that we are not living up to the fifteenth amendment. We have two classes of people who are throwing bouquets at the South, one wanting us to vote one way for fear they will get after us about the fifteenth amendment, and the other wants us to turn in and nullify the eighteenth amendment, because they say that if we do not they will enforce the fifteenth amendment.

I have no patience with this. The South has always stood for the Constitution. She stood for it and she justified her stand on battle fields that made this country a history that has never been written greater in any history in the world. [Applause.] And, by the way, she stood for it when that which was done in the heat of war had to be cured by constitutional amendments, admitting that she had been standing for her rights and that she had the right to retain them. It took constitutional amendments after the war to cure what had been done during the war.

They talk about the fifteenth amendment! I want to tell you that in South Carolina the Constitution gives any man the right to vote who has \$300 worth of property on the tax books and pays his taxes or who can read the Constitution. There is not a colored man in the State of South Carolina who can not register and vote if he comes within that limitation, and when he does his vote is counted. It is not like what happened up in Massachusetts, in the district of a gentleman who sometimes gets after us down here. A colored man publishes a paper up there, and he sent me an issue of it some time ago in which he charged, and seemed to prove, that a couple of colored men were elected to the legislature up there and they counted them out. They appealed to the legislature, and it sustained the counting out. [Laughter.]

I want to tell you that under the constitution of South Carolina, squaring with the constitutional amendments, I served six years with a colored man in the House of Representatives of South Carolina. Why? Because they had a majority in the county of Georgetown and they had a right to elect. They had that right under the Constitution under which we are operating to-day, and he was elected and he sat in the legislature constantly for six years, and I used to take a great deal of pleasure when gentlemen and ladies from Boston would come in and be brought up and introduced to the Speaker, when I used to be Speaker, and the first question they would ask was, "Which is the Democratic and which is the Republican side." I used to point to this little colored fellow over there and tell them, "That is the Republican side." [Laughter.]

We count them and we give them their rights and they can vote to-day, and we invite anybody who wants to, to come down and see whether we are living up to the fifteenth amendment.

We are trying to live up to the eighteenth amendment, too, and we have no sympathy with this attempt to nullify the Constitution that is being made in some places and the attempt to tie to the Democratic Party the proposition that it is trying to nullify the eighteenth amendment.

Gentlemen, I have digressed a little, but we see this statement every day. The Washington Post has a squib every morning about the southern Members and what would they think if they took a notion to enforce the fifteenth amendment.

The State of South Carolina started out with a colored majority of 40,000. A man was elected governor in 1876, when there was 40,000 majority if they all voted one way, but after Hampton was elected governor, the supreme court, made up of a carpetbagger from New York and a colored man from Philadelphia, decided that he was legally elected. And he was elected by thousands of colored men voting for him. We have just celebrated the semicentennial of his inauguration.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. STEVENSON. I will.

Mr. WAINWRIGHT. How large a colored population in South Carolina vote to-day?

Mr. STEVENSON. None of them vote. They found out long ago that there was nothing to it for them. They did not get anything out of it. As one of them expressed it, "All they want is to get us to register and get a poll tax out of us. There is nothing in it."

The colored man is a good citizen, but he never finds anything in the organization down there that is fit for him to vote for and I do not blame him for not voting. But that does not suppress him. The State has given him the right to vote when he qualifies and sometimes he qualifies, and then frequently does not vote. They do not vote, but not because they can not vote. They quit sending a man to the legislature from Georgetown 20 years ago. All this talk about danger to white domination in the South is not true. It has gone along until to-day the white people are in the large majority, even in South Carolina, and I hope Mississippi will soon crawl out of it.

Mr. BLANTON. Will the gentleman yield?

Mr. STEVENSON. I will.

Mr. BLANTON. In South Carolina the white man has to conform to certain regulations in order to vote?

Mr. STEVENSON. Yes.

Mr. BLANTON. And the colored men have to conform to the same regulations, and if they do they can vote?

Mr. STEVENSON. Yes. He can vote, but he does not want to.

Mr. BLANTON. But if he does want to vote he conforms to the same regulations as the white man does?

Mr. STEVENSON. Absolutely; they are on an absolute equality before the law and under the Constitution.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. LA GUARDIA. I understand that the colored man is protected fully under the Constitution. Is there any moral suasion used there?

Mr. STEVENSON. No, sir; there has not been for 40 years.

Mr. LA GUARDIA. I understand that on election day if a colored man approaches too near the ballot box to vote it changes his complexion?

Mr. STEVENSON. That is like a great many of the understandings of the gentleman from New York. There is nothing to it.

Mr. BLANTON. Will the gentleman yield further?

Mr. STEVENSON. Yes; I will.

Mr. BLANTON. There are in the District of Columbia 110,000 colored people. Not one of them is permitted to vote and there has been no effect on the part of our brethren across the aisle to take any steps to allow them to vote. They are disfranchised, every one of that 110,000 colored people. If you want to enfranchise any colored people, why do not you begin in Washington?

Mr. STEVENSON. Now I will conclude what I started out to say. I want to reiterate that in so far as nullifying any clause in the Constitution is concerned the southern people are against it. In so far as enforcing the Constitution is concerned the great majority are in favor of it, and the discussions that are going on from day to day and week to week sometimes make me think that it is an effort to make it appear that we want to nullify certain provisions and certain clauses of the Constitution. The South has stood for the Constitution ever since it was written, ever since the South wrote it, because it did write it and construed it and it is prepared to live up to it now and the gentleman from New York can come down there, put on a wooly wig, black his face, come around to the election booth, and I will guarantee that we will not molest him; but he has got to be registered first.

Mr. WILLIAM E. HULL. Will they count his vote?

Mr. STEVENSON. No; I do not think they would count his vote, because he would not be a resident. The vote of the colored man is counted in South Carolina the same as anywhere else. As I said 25 years ago, a colored man was elected to the legislature and served for six years, and I served with him. He was elected on a Republican ticket and afterwards they took him out and made him postmaster, but he couldn't be postmaster to-day, because he would not have enough money to pay for it. [Laughter and applause.]

The Civil Service Commission reports, which I just got, shows that a postmaster, a henchman of a boss Republican in South Carolina, sold the village carrier positions in my district last September for \$300 apiece, and got the money. The Civil Service Commission turned them down, and the devil is to pay now as to who is to pay the money back. I do not know that anybody cares whether they ever get it back or

not. The following is their report to me, and I honor them for their manly fight to clean up this nefarious business:

WASHINGTON, D. C., December 31, 1926.

Hon. WILLIAM F. STEVENSON, M. C.,

House of Representatives, Washington, D. C.

MY DEAR MR. STEVENSON: Following your visit to this office on October 19, 1926, an investigation was made of the charge that candidates had paid to political referees or their agents certain sums of money in return for promises of appointment as village carriers at Clover, S. C.

From the information obtained it is evident that \$600 was paid to Parnell Meehan, postmaster at Chesterfield, S. C., to secure the appointments of James S. Jackson and Robert C. Faulkner. This money was paid in four amounts of \$150 each prior to the date of the examination (September 18, 1926), in which both Jackson and Faulkner received ineligible ratings.

No evidence was secured to show that Daniel M. Barrett or L. C. Dale used or attempted to use money in an effort to receive indorsement for appointments.

A copy of the report of the commission's investigator in this case has been transmitted to the Postmaster General for consideration in connection with the nomination of Mr. Meehan for reappointment.

By direction of the commission.

Very respectfully,

JOHN T. DOYLE, Secretary.

There was a citizen of my town, a native of Vermont, and he was appointed postmaster some years ago. He declined to contribute to the funds of certain pollywogs down there, and when the time came for him to be reappointed they called for an examination. Although he made the highest grade they had another fellow appointed, because he would not come across, and he told me so. That is the reason the colored man does not vote down there. There is nobody for him to vote for who is fit to vote for, and everything is for sale which the machine that is maintained down there in South Carolina has to deliver, and it is sold like beef in the market, and mighty cheap beef at that. [Laughter and applause on the Democratic side.]

Mr. FRENCH. Mr. Chairman, I yield five minutes to the gentleman from New Jersey [Mr. APPLEBY].

Mr. APPLEBY. Mr. Chairman, gentlemen, and gentlemen, about a year ago in a speech I made on the floor of this House—on the Navy appropriation bill—I called attention to the fact that the British were constructing two 5,000,000 cubic feet lighter-than-air ships. In last session we authorized the construction of two 6,000,000 cubic feet ships in the naval aviation bill, but did not make appropriation for them. Therefore, we have not increased our lighter-than-air ship construction the past year, except for one 200-foot J ship. In the meantime all the other nations are going ahead of us in lighter-than-air construction and we are simply marking time, because the Budget has not asked for funds to commence construction.

The functions of Congress are specifically mentioned in our Constitution, namely, make our laws, authorized for the national defense and make appropriations. It seems in the present form of government one department or a bureau created by an act of Congress is constantly striving to usurp the power vested in Congress by our Constitution and affirmed by our citizens in electing membership to both legislative bodies.

We authorize ships, the number of men to man the ships, by law. The Budget then deliberately goes against the wishes of the majority of the membership of this House recommending, by withholding requests for appropriations, sufficient number of men for our national defense. How long is this going to continue? Is the Budget in the future, a department created by Congress, going to completely usurp the powers vested in this House by the majority of people and confirmed every two years? The members of the Sub-Appropriation Committee deserve a vote of thanks from this Nation for not accepting the Budget's ideas in refusing to cut down enlisted personnel of the Navy and Marine Corps.

I would like to call attention to the testimony which appears in the naval appropriation hearing. In a question by Mr. OLIVER of Alabama, asked of Admiral Moffett, who is Chief of the Bureau of Aeronautics of the Navy, Mr. OLIVER said:

"I would like to ask about lighter-than-air ships. I assume that you have made an estimate for that, and the Budget did not think it wise to appropriate for it at this time."

To that question Admiral Moffett replied:

"That is right."

The *Los Angeles*, our only lighter-than-air ship, a diagram of which is before you, is of 2,600,000 cubic feet capacity, contains 13 helium cells, was built in Germany, and made a very



successful flight to the United States, and when the ship was moored inside the hangar at Lakehurst, N. J., it was found that she could have completed a trip to Texas without stopping.

Under our treaty with Germany the *Los Angeles* can be only used for a training cruise and not for military purposes. In other words, at the present time we do not have any rigid lighter-than-air ships for military purposes. During the World War the Germans successfully took 20 tons of supplies from Germany to South Africa and return. If we constructed one ship, as authorized by last year's bill, we could carry 70 tons of munitions twice as fast as any vessel that sails the sea over a distance of 6,000 miles. Rapid strides are being made in lighter-than-air construction. Germany has built 126 lighter-than-air ships, and I quote from the *Aviation Magazine*, December 6, 1926, page 964, as follows:

#### GERMAN SUPERZEPPELIN UNDER CONSTRUCTION

Despatches state that the construction of Germany's new Superzeppelin is progressing rapidly. Dr. Hugo Eckenor, who is supervising the construction, and who will command the ship when it is completed, has partially disclosed the secrets of the new propulsion system which will be installed. According to Doctor Eckenor, the power will be supplied by five 420-horsepower Maybach engines especially designed to burn a fuel known as carbonated hydrogen, with the chemical formula  $CH_4$ . It is claimed this fuel is lighter and more efficient than either gasoline or benzol. This will dispense with the necessity for wasting valuable inflammable gas when ascending to high altitudes. The use of this carbonated hydrogen for fuel will cut down by 35 per cent the weight allowance for fuel.

A lighter-than-air ship depends upon the lifting power of the helium to float it in the air, and the *Los Angeles* is driven by five 400-horsepower motors. It is steered by double rudders and normally the altitude is changed by raising or lowering two flippers or fins, which are at right angles to the double rudders. As a reserve captain in the United States Marine Corps, I was attached to the naval air station at Lakehurst, N. J., last spring and this fall, and was an observer on the U. S. S. *Los Angeles* on several of its flights, and was in a splendid position to acquire first-hand information about our lighter-than-air activities. On one flight from Lakehurst to Newport, R. I., made over the sea, I had an opportunity to watch the operation of the *Los Angeles* mooring to a floating mast mounted on the stern of the U. S. S. *Patoka*. This mooring-mast vessel is the only one of its kind in existence and has demonstrated the feasibility of mooring airships to surface vessels in harbors. I understand England is now trying to imitate this United States adaptation of the mooring mast.

I wish to thank the Committee on Appropriations for not restricting lighter-than-air developments at Lakehurst this year. A very good course of instruction is given in free ballooning, nonrigid airship operation, parachute construction, parachute tests, rigid airships, as well as a landing field for airships heavier than air. A very good arology station is maintained there, and weather reports are transmitted to Langley Field, Anacostia, and Arlington, Va. It is an important link in the chain of stations which furnish the weather information for all aeronautical activity in the United States. Another peace-time measure of lighter-than-air ship is to calibrate compasses from shore station, thus having a check on the accuracy of compasses on shore vessels.

The experience of 45 hours of flight on the *Los Angeles* last year and 11½ hours on our new nonrigid *J-3* ship, with service on the rudders of the same, has led me to think it is highly important that money be made immediately available for the commencement of two nonrigid lighter-than-air ships, as provided in the naval aviation bill of last year. At the proper time it is my intention to offer an amendment providing these ships. I trust the amendment will pass. It takes between 30 and 40 months to complete a nonrigid ship, and we can build two at the same time for less money than we can build one. It will not require all the appropriation at one time. Why should we close our eyes to lighter-than-air activities when other nations are going rapidly ahead and copying all our improvements? England did not construct any worth while lighter-than-air ships until London was bombed. George Washington said:

In time of peace, prepare for war.

Mr. FRENCH. Mr. Chairman, it happens that there are a couple of speeches of such length that it was not desired by the ones who were to have the time that they go on to-night.

Mr. BANKHEAD. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BANKHEAD. The gentleman stated this morning that he thought it wise to run along a while in general debate without fixing the time when general debate should expire. Have you ever reached any agreement?

Mr. FRENCH. We have not as yet, and I was thinking we would now rise and adjourn.

Mr. BANKHEAD. One other question. About what length of time does the gentleman have in mind to consume in general debate?

Mr. FRENCH. I have requests for less than one hour.

Mr. AYRES. And I suppose I will require less than 30 minutes, so why not agree on the length of general debate this afternoon?

Mr. FRENCH. We can agree early in the morning.

Mr. AYRES. Mr. Chairman, at this time I want to ask leave to extend my remarks on the question of the Navy.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. AYRES. Mr. Chairman, I want to congratulate the chairman of this subcommittee on the very able manner in which he presented this bill this afternoon. [Applause.]

Mr. Chairman, I regret that I can not agree with the Budget recommendations regarding the reduction of the personnel of the Marine Corps from 18,000 to 16,800 men. To my mind there are several reasons why this most efficient and useful military organization or establishment should be kept intact. I shall endeavor to give a few. Roughly speaking, the duties of the Marine Corps may be divided, or rather subdivided, into these general classes:

First. Marine detachments serving on board of the fleet.

Second. Guards for navy yards and all naval establishments and activities on shore, at home and abroad.

Third. Administrative and other marine duties.

Fourth. Foreign shore duty in connection with carrying out our national policies.

Fifth. Expeditionary forces under training and available for active service in an emergency, either of peace or war.

Sixth. Aviation.

Taking up the first proposition of marine detachments serving on board of vessels of the fleet. It is this duty which gives the Marine Corps its nautical character, differentiates it from the Army, and makes it especially fitted for duty in support of the fleet in the event of hostilities. Marines on board a ship in addition to doing the military guard duty of the ship, constitute a part of the ship's company and perform many of the same duties as sailors, including the manning of a part of the torpedo-defense battery, and other similar duties I might mention.

Now, referring to the second class of duties, that of guarding navy yards, and so forth. All of the naval yards, naval stations, ammunition depots, and other naval establishments and activities are guarded and protected against fire and thieves by marine detachments.

Calling attention to the third and fourth classes of duties I mentioned a few moments ago, that is administrative and foreign shore duty, for over a hundred years marines have been employed in foreign countries in connection with carrying out our national policies and for the protection of the lives and property of American citizens. At the present time several marine detachments are engaged in carrying out this duty. About 900 are stationed in Haiti; about 500 in Peking, China; and an urgent demand is being made for at least that many more. Additional forces are held on board of ships in the Orient and ashore in the Philippine Islands and Guam in readiness for use in China. There is also a detachment at Guantanamo, Cuba, for use by the special squadron should additional marines be needed by that squadron.

The fifth subdivision mentioned is that of expeditionary forces under training and available for active service in an emergency either of peace or war. A study of the history of the Marine Corps during the period, we will say, since the Spanish-American War, shows that forces of marines of varying size have been employed nearly every year either at home or abroad in connection with our national policies. For instance, about 3,000 marines were landed in Vera Cruz in April, 1914, where they continued to serve as a part of the army of occupation until December of that year, and I might mention many other expeditionary forces of marines used in other foreign countries in like manner. On two occasions it has been called on for use in the emergency caused by the depredations of bandits and robbers of the United States mails. It is at the present time engaged in guarding the mails, about 2,500 men being used for that purpose. These men guard all trucks and

trains carrying valuable mail. They keep guard at stations where mail bags are being unloaded or transferred from mail cars into the station and follow up the transportation of these mail bags to their destination—that is, the post office—and keep guard there when the bags are later taken from the trucks into the post office or from the post office to the trucks, as the case may be.

It is a deplorable condition which exists in some of the larger cities in this country which makes a decent citizen blush with shame to think that the local governments of those cities are so helpless that they can not protect the Federal Government against robbery of the mails it is delivering to the citizens of such cities, but such is the case. These robberies have taken place while mail bags were being moved from the trains to the trucks or just outside of a railroad station; also they have occurred just outside of the post office. As a result marines were called for by the Post Office Department, and while it was somewhat of a commonplace thing to read of a mail robbery before, no one has heard of such a thing since. The marines have taken over the matter of guarding the mails.

Any time Uncle Sam needs policemen to guard him on land or sea, at home or abroad, in times of peace or of war, he knows where to go and get them. He calls for the marines. This has been the case ever since the beginning of this Nation.

It might be interesting to give a brief history of the United States Marine Corps from the date it was created or founded. It was founded on November 10, 1775, by a resolution of the Continental Congress directing the raising of two battalions of marines. These were the first troops authorized by that body. The first marine officer to receive a commission was Capt. Samuel Nicholas on November 28, 1775. During the Revolution these men served as a part of Washington's army in the Battles of Trenton and Princeton and other battles on land. They also had their share in all the victories of Commodore Hopkins and John Paul Jones on sea. At the close of the Revolution the Marine Corps was practically disbanded; but soon thereafter, on July 11, 1798, the Marine Corps was permanently reestablished by act of Congress, approved by the President on that date, and saw action aboard ship almost immediately after its reestablishment during the naval war with France.

The marines saw much service in the War of 1812. The *Constitution* had a marine guard through all her combatant career, and members of that guard took a prominent part in all of her battles. They also shared in the victory of Lake Erie, and the marine guard formed part of our military forces invading Canada in 1813. They took a prominent part in the defense of Baltimore and the Battles of Bladensburg, New Orleans, and many other engagements.

In 1823 the marines formed a part of a landing force which attacked and defeated a nest of pirates in Cuba. Then in 1824 they were called on to suppress a famous mutiny in the Massachusetts State prison. In the years of 1836 and 1837 there were two battalions of marines serving in the war against the Creek and Seminole Indians, and in the war with Mexico the marines fought both on land, as a part of the military forces, and on sea, as a part of the naval forces. They shared in the capture of Vera Cruz on March 29, 1847, and under the command of Colonel Watson joined the forces of General Scott in the march to Mexico City. They took a leading part in the campaign which led to the conquest of California and served in practically all of the engagements during the war with Mexico.

The history of the marines shows that they are always seeing service, not only during war times but in peace times as well. For instance, in 1857 the marines stationed here in Washington were called on to suppress the "plug uglies" riot, and in 1859 they were called out to suppress a distinguished citizen of my own State, John Brown, who was making a raid, and it ended as usual when the marines are called to take a hand.

I shall not take the time to detail the wonderful service rendered by the marines both on land and sea during the Civil War. If I should go into this it would take hours. It is sufficient to say they were found on the firing line at all times and under all conditions and circumstances.

What I am endeavoring to do is to call attention to the diversified duties performed by this organization at all times. The marines have never been idle. Immediately after the close of the Civil War—that is, in 1871—they were called on to capture the Korean Forts because of the hostile action by natives of that country against a naval surveying party. Then in 1873 they were called out to take care of a disturbed condition in Panama which interfered with the operation of the Panama Railroad, and as usual they straightened it out. They were kept busy putting down insurrections in various places, even as far as Alexandria, Egypt, clear up to the time of the Spanish War.

When the Spanish-American War began the strength of the Marine Corps was about 2,500 men, some aboard ships and others guarding navy yards. The detachments afloat took part in the battles in which their vessels were engaged, which included the famous battle of Santiago and the battle of Manila Bay, and many other engagements I could mention. Immediately after the Spanish-American War the marines were called on to take part in suppressing the Filipino insurrection. Owing to the nature of the country these operations included the severest kind of campaigning and the marines suffered serious losses.

Then the Boxer insurrection broke out in China in 1900, and because of threats against foreigners the Marine detachments from the U. S. S. *Oregon* and the U. S. S. *Newark* were landed at Tientsin, China, and dispatched to Peking to protect the American legation. In other words, the ever-ready marines were on hand at the right time and in the right place.

Again, in 1903 another marine expedition was sent to Panama to protect American lives and property, and a battalion was kept in the Canal Zone until 1914. In 1906 a brigade of marines was sent to Cuba to help Cuba put down an insurrection.

Owing to the disturbed conditions in Nicaragua in 1909, on December 20 of that year a force of marines was landed, and in May, 1910, was again sent to Nicaragua, and this was repeated in 1912, and I could go on and detail innumerable incidents where detachments of marines were sent first to one place and then another during each and every year for the purpose of protecting Americans or American property in foreign lands.

I want to call attention briefly to some of the services rendered in the World War by the marines. As a result of the declaration of war with Germany the Marine Corps during this year sent to France the Fourth Brigade of Marines, comprising the Fifth and Sixth Regiments and the Sixth Machine Gun Battalion. This brigade formed a part of the famous Second Division and took part in all the principal operations of the American Expeditionary Forces. These included the Aisne defensive, the capture of Belleau Wood and Bouresches; the Aisne-Marne offensive, including operations in the vicinity of Soissons; the St. Mihiel offensive, the capture of Blanc Mont, and St. Etienne, and the Meuse-Argonne. After the armistice the Fourth Brigade, as a part of the Second Division, marched to the Rhine and formed a part of the army of occupation, remaining there until July, 1919. A summary of the Fourth Brigade operations follows:

Toulon sector, Verdun: From March 15 to May 13, 1918.

Aisne defensive, in the Chateau-Thierry sector: From May 31 to June 5, 1918.

Chateau-Thierry sector (capture of Hill 142, Bouresches, Belleau Wood): From June 6 to July 9, 1918.

Aisne-Marne (Soissons) offensive: From July 18 to July 19, 1918.

Marbache sector, near Pont-a-Mousson on the Moselle River: From August 9 to August 16, 1918.

St. Mihiel offensive, in the vicinity of Thiaucourt, Xammes, and Jaulny: From September 12 to September 16, 1918.

Meuse-Argonne (Champagne), including the capture of Blanc Mont Ridge and St. Etienne: From October 1 to October 10, 1918.

Meuse-Argonne (including crossing of the Meuse River): From November 1 to November 11, 1918.

In addition to the Fourth Brigade four marine squadrons of land fighting planes and the headquarters company operated in northern France under the Navy as the day wing of the northern bombing group. Operations were carried on in the Dunkirk area against German submarines and their bases at Ostend, Zeebrugge, and Bruges. The total battle deaths of marines during the World War amounted to 2,454. The total number of casualties was 11,531.

After they had done their bit in the World War, then the same old police duty was assigned to the marines. For instance, during the year 1919 disturbances amounting to an insurrection occurred in Haiti, and it was necessary for the marine brigade occupying that country to take the field again. Peace was soon restored.

In 1920 armed guards, including marines from the U. S. S. *Albany* and the U. S. S. *South Dakota*, landed at Vladivostok, Siberia, and acted in the capacity of interallied police during the attempted overthrow of the government of that city.

In 1921 the Third Battalion of the Fifth Brigade sailed from Philadelphia, Pa., for special temporary duty in Panama on account of boundary trouble that had arisen between Panama and Costa Rica.

In 1921 so many armed robberies of the United States mails took place that a force of over 2,000 marines was organized and provided guards for mails in post offices, railroad stations, trains, and mail trucks. This duty lasted about three months, and during this period robberies of mails absolutely ceased.



In 1922 marines from the Asiatic Fleet and Station were sent to Tientsin, China, on account of disturbances arising from the civil war in that country.

The Japanese earthquake occurred in 1923, and marines from the U. S. S. *Huron* were landed to assist the American Embassy and American consulates and for relief work.

Nineteen hundred and twenty-four saw a serious revolution in Honduras. Marines were landed four times in several cities on the north coast of that country to protect American lives. The same year saw a provisional company of marines landed at Shanghai, China.

In 1925 there were further landing forces in Honduras and two landings of marine provisional units at Shanghai, and, as I have already called to your attention, last October 2,500 marines were again assigned the duty of protecting the mails, which they carried out in the same manner and up to the present date with the same success.

In view of the many, many incidents wherein the marines have been called on to protect American citizens and the property of American citizens, both here and abroad, only a few of which I have mentioned, it would be the height of folly to diminish this force. I agree with General Lejeune, when he stated to our committee:

Inasmuch as the Marine Corps must be an organization of "minute men" in order to carry out its mission of immediate service in support of the fleet in a major emergency, necessarily plans must be drawn up in advance and provisions made for carrying these plans into effect. To accomplish this it is essential that the corps should not be crippled by reducing its strength below the minimum necessary to permit it to furnish a well-trained expeditionary force for immediate service in a minor emergency and also to permit it to expand promptly and effectively on the approach of a major emergency. I am strongly of the opinion that the present strength—18,000 men—is, if anything, less than that minimum, and I am positive that it is not above it.

I want to say, in conclusion, I have always found the marines a busy bunch of men improving their conditions and surroundings, which would otherwise be a burden borne by the Government. General Lejeune stated in answer to a question asked him that the marines had adopted the principle that a man can properly be called on to work to improve his home; that he can be called on to do any kind of work to improve his home conditions.

In view of this willingness on the part of the marines, with their own labor to do all they can to improve these conditions it would seem that a grateful Nation should or could do more than has been done by this Nation in providing decent living conditions for its marines. I have been to Quantico and have seen the conditions under which these men with their families have to live. As has been said, housing conditions there are intolerable and would not be permitted for the civil population of any progressive community in this country, and are a disgrace. Until I visited Quantico and saw these conditions I could not believe they existed. I think the measure now before the Committee on Naval Affairs should be reported out immediately and passed, and an appropriation made during this session of Congress immediately available so that this deplorable condition can be cared for at an early date. [Applause.]

Mr. FRENCH. Mr. Chairman, I move that the committee do now arise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDELOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15641) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1928, and for other purposes, and had come to no resolution thereon.

#### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER. The Chair designates the gentleman from Connecticut [Mr. TILSON] to preside to-morrow during such time as the Speaker may be absent.

#### LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. BURDICK (at the request of Mr. ALDRICH) for the remainder of the week on account of important business.

#### ADJOURNMENT

Mr. FRENCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 24 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 5, 1927, at 12 o'clock noon.

#### COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, January 5, 1927, as reported to the floor leader by clerks of the several committees:

##### COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

State, Justice, Commerce, and Labor Departments appropriation bill.

##### COMMITTEE ON AGRICULTURE

(10 a. m.)

To provide for the eradication or control of the European corn borer (H. R. 15649).

##### COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

Directing the Secretary of the Treasury to complete purchases of silver under the act of April 23, 1918, commonly known as the Pittman Act (S. 756).

##### COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize alterations and repairs to certain naval vessels (H. R. 15336).

##### COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

Secretary Davis to be heard in a discussion of items in the Army appropriation bill.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

841. A letter from the Comptroller General of the United States, transmitting a report showing the officers of the Government who were delinquent in rendering or transmitting their accounts to the proper officers in Washington during the fiscal year ended June 30, 1926, the cause therefor, and whether the delinquency was waived, together with a list of such officers who, upon final settlement of their accounts, were found to be indebted to the Government and had failed to pay the same into the Treasury of the United States; to the Committee on the Judiciary.

842. A message from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1927, to remain available until expended (H. Doc. No. 623); to the Committee on Appropriations and ordered to be printed.

843. A letter from the Secretary of War, transmitting a report from the Chief of Engineers on preliminary examination of Cass Lake and Leech Lake, Minn.; to the Committee on Rivers and Harbors.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEAVITT: Committee on the Public Lands. S. 4533. An act extending to lands released from withdrawal under the Carey Act the right of the State of Montana to secure indemnity for losses to its school grant in the Fort Belknap Reservation; without amendment (Rept. No. 1664). Referred to the Committee of the Whole House on the state of the Union.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 15129. A bill granting the consent of Congress to the Indiana Bridge Co. to construct, maintain, and operate a toll bridge across the Ohio River at Evansville, Ind.; with an amendment (Rept. No. 1665). Referred to the House Calendar.

#### CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on Claims was discharged from the consideration of the bill (S. 2722) for the relief of the Muscle Shoals, Birmingham & Pensacola Railroad Co., the successor in interest of the receiver of the Gulf, Florida & Alabama Railway Co., and the same was referred to the Committee on War Claims.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COCHRAN: A bill (H. R. 15819) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. PARKS: A bill (H. R. 15820) to recognize the services of certain officers and enlisted men of the National Guard

or Organized Militia of the several States and of the District of Columbia during the World War; to the Committee on Military Affairs.

By Mr. SINNOTT (by departmental request): A bill (H. R. 15821) to revise the boundary of the Hawaii National Park, on the island of Maui, in the Territory of Hawaii; to the Committee on the Public Lands.

By Mr. SMITHWICK: A bill (H. R. 15822) authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co., by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay, from Lillian, Ala., to Cummings Point, Fla.; to the Committee on Interstate and Foreign Commerce.

By Mr. ASWELL: A bill (H. R. 15823) to establish a national farm commodity marketing association to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities, and to place the agricultural industry on a sound commercial basis, to encourage national cooperative marketing of farm products, and for other purposes; to the Committee on Agriculture.

By Mr. CELLER: A bill (H. R. 15824) to amend the national prohibition act to prevent the issuance of personal injunctions; to the Committee on the Judiciary.

By Mr. HAUGEN: A bill (H. R. 15825) to authorize the designation of deputy fiscal or disbursing agents in the Department of Agriculture stationed outside of Washington; to the Committee on Agriculture.

By Mr. HILL of Washington: A bill (H. R. 15826) to add certain lands to the Colville National Forest, Wash.; to the Committee on the Public Lands.

By Mr. HUDSPETH: A bill (H. R. 15827) to amend section 2 of an act entitled "An act authorizing investigations by the Secretary of the Interior and the Secretary of Commerce jointly to determine the location, extent, and mode of occurrence of potash deposits in the United States, and to conduct laboratory tests"; to the Committee on Mines and Mining.

By Mr. McSWAIN: A bill (H. R. 15828) to prohibit certain assignments to duty in bureaus of the War Department; to the Committee on Military Affairs.

Also, a bill (H. R. 15829) regulating the mileage and other traveling allowances of members of the Officers Reserve Corps; to the Committee on Military Affairs.

By Mr. BUTLER: A bill (H. R. 15830) to authorize an increase in the limit of cost of certain naval vessels; to the Committee on Naval Affairs.

By Mr. BRITTEN: A bill (H. R. 15831) to increase the efficiency of the United States Navy, and for other purposes; to the Committee on Naval Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 15832) releasing and granting to the State of Washington any right, title, and interest of the United States in an island near the mouth of the Columbia River, commonly known as Sand Island, and for other purposes; to the Committee on the Public Lands.

By Mrs. ROGERS: A bill (H. R. 15833) to amend the World War adjusted compensation act as amended; to the Committee on Ways and Means.

Also, a bill (H. R. 15834) authorizing appropriations for construction at military post; to the Committee on Military Affairs.

By Mr. ZIHLMAN (by request of the Commissioners of the District of Columbia): A bill (H. R. 15835) for the further protection of fish in the District of Columbia; to the Committee on the District of Columbia.

By Mr. APPLEBY: A bill (H. R. 15836) to make additions, extensions, and improvements to the post-office building at Asbury Park, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. JAMES: A bill (H. R. 15837) to prohibit the use of time-measuring devices in connection with the work of employees of the War Department, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 15838) to provide for the purchase of horses for the Military Establishment; to the Committee on Military Affairs.

Also, a bill (H. R. 15839) authorizing the Davis school district of Farmington, Utah, to secure water for the use of the South Weber School from the water supply of the Ogden ordnance reserve depot; to the Committee on Military Affairs.

By Mr. McLEOD: A bill (H. R. 15840) to prohibit the prosecution under laws of the United States of a person for an act in respect of which he has previously been put in

jeopardy under the State law; to the Committee on the Judiciary.

Also, a bill (H. R. 15841) to prohibit the admission of evidence obtained by unreasonable search or seizure; to the Committee on the Judiciary.

By Mr. COCHRAN: Joint resolution (H. J. Res. 319) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 320) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HUDSON: Joint resolution (H. J. Res. 321) creating a commission to investigate the subject of civil-service retirement and the operation and administration of the law relating thereto; to the Committee on Rules.

By Mr. HAUGEN: Joint resolution (H. J. Res. 322) authorizing the Secretary of Agriculture to dispose of real property located in Hernando County, Fla., known as the Brooksville Plant-Introduction Garden, no longer required for plant-introduction purposes; to the Committee on Agriculture.

By Mr. RANKIN: Joint resolution (H. J. Res. 323) to approve a sale of land by one Moshulatubba; to the Committee on Indian Affairs.

By Mr. McREYNOLDS: Joint resolution (H. J. Res. 324) authorizing the use of a portion of that part of the United States National Cemetery Reservation at Chattanooga, Tenn., lying outside the cemetery walls, for a city pound, animal shelter, and hospital; to the Committee on Military Affairs.

By Mr. PORTER: Concurrent resolution (H. Con. Res. 45) requesting the President to enter into negotiations with the Republic of China for the purpose of placing the treaties relating to Chinese tariff autonomy, extraterritoriality, and other matters, if any, in controversy between the Republic of China and the United States of America upon an equal and reciprocal basis; to the Committee on Foreign Affairs.

By Mr. BECK: Resolution (H. Res. 356) authorizing the Committee on Foreign Affairs to ascertain the extent and character of unofficial intermeddling in the foreign affairs of the United States; to the Committee on Rules.

By Mr. FAIRCHILD: Resolution (H. Res. 357) upholding the President in maintaining the rights of the United States and of its citizens in Mexico and in Nicaragua, and in observing treaty obligations to the Nicaraguan Government recognized by the Government of the United States; to the Committee on Foreign Affairs.

By Mr. TINKHAM: Resolution (H. Res. 358) providing additional compensation to Thomas F. Farrell and John A. McMillan; to the Committee on Accounts.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 15842) for the relief of Capt. James P. Murphy; to the Committee on War Claims.

By Mr. BACHMANN: A bill (H. R. 15843) granting an increase of pension to Sebina L. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15844) granting an increase of pension to Catherine Reynolds; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 15845) granting an increase of pension to Walter T. Ponton; to the Committee on Pensions.

Also, a bill (H. R. 15846) granting an increase of pension to Frederick L. Eagle; to the Committee on Pensions.

Also, a bill (H. R. 15847) granting a pension to Anna L. Myers; to the Committee on Invalid Pensions.

By Mr. BURDICK: A bill (H. R. 15848) granting an increase of pension to Mary A. Sanders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15849) for the relief of Edwin D. Morgan; to the Committee on Military Affairs.

By Mr. CANFIELD: A bill (H. R. 15850) granting a pension to Sarah J. Rea; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15851) granting a pension to Samantha A. Mehinney; to the Committee on Invalid Pensions.

By Mr. CELLER: A bill (H. R. 15852) for the relief of Max Hartenstein; to the Committee on Claims.

By Mr. CHALMERS: A bill (H. R. 15853) granting an increase of pension to Margaret Trotter; to the Committee on Invalid Pensions.

By Mr. COCHRAN: A bill (H. R. 15854) granting an increase of pension to Elizabeth McCue; to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 15855) for the relief of Clifford J. Sanghove; to the Committee on Claims.



By Mr. DICKINSON of Missouri: A bill (H. R. 15856) granting an increase of pension to Jacob G. Lobaugh; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 15857) granting an increase of pension to Mary E. McDavitt; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 15858) granting a pension to Priscilla Hillegas; to the Committee on Pensions.

Also, a bill (H. R. 15859) granting an increase of pension to Helen R. Smith; to the Committee on Invalid Pensions.

By Mr. FENN: A bill (H. R. 15860) granting an increase of pension to Mary E. Griffith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15861) granting an increase of pension to Mary S. Walter; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 15862) granting an increase of pension to Mary A. Longworth; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 15863) for the relief of the widow of Warren V. Howard; to the Committee on Military Affairs.

By Mr. FREAR: A bill (H. R. 15864) granting an increase of pension to Eliza E. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15865) granting an increase of pension to Rose R. Green; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 15866) for the relief of estate of Katherine Heinrich (Charles Grieser and others, executors); to the Committee on Claims.

By Mr. GIFFORD: A bill (H. R. 15867) for the relief of Francis Sweeney; to the Committee on Claims.

Also, a bill (H. R. 15868) granting a pension to Juliette Perry; to the Committee on Invalid Pensions.

By Mr. HAMMER: A bill (H. R. 15869) granting an increase of pension to Rachel Dunning; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 15870) granting a pension to Mina Barden; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 15871) granting an increase of pension to Sarah Morrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15872) granting an increase of pension to Kate A. Zinn; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 15873) granting an increase of pension to Amy Lampman; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 15874) granting an increase of pension to Mary I. Gracey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15875) granting an increase of pension to Jennie Hicks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15876) granting an increase of pension to Margaret A. Dively; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15877) granting an increase of pension to Anna M. Hicks; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 15878) granting an increase of pension to Elizabeth A. Mills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15879) granting an increase of pension to Emily Raber; to the Committee on Pensions.

By Mr. McKEOWN: A bill (H. R. 15880) granting a pension to Rachel F. Burd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15881) granting a pension to Eliza Towell; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 15882) to credit the accounts of Rickings J. Shand, United States property and disbursing officer, Illinois National Guard; to the Committee on Claims.

By Mr. MAJOR: A bill (H. R. 15883) granting a pension to Martha Hicks; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 15884) granting an increase of pension to Annie M. Power; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15885) granting an increase of pension to Harriett Six; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 15886) granting an increase of pension to Eliza A. Richeson; to the Committee on Invalid Pensions.

By Mr. SCHNEIDER: A bill (H. R. 15887) granting an increase of pension to Eulalie Charboneau; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 15888) granting an increase of pension to Della V. Kelsey; to the Committee on Invalid Pensions.

By Mr. TAYLOR of New Jersey: A bill (H. R. 15889) granting a pension to Annie H. Kenny; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 15890) granting a pension to Lydia Emmaline Dicus; to the Committee on Invalid Pensions.

By Mr. UPDIKE: A bill (H. R. 15891) for the relief of Mary R. Long; to the Committee on Claims.

Also, a bill (H. R. 15892) granting an honorable discharge to W. G. Burress; to the Committee on Military Affairs.

Also, a bill (H. R. 15893) granting a pension to Jessie S. Erle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15894) granting a pension to Flora A. Haymaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15895) granting a pension to Florence A. Haines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15896) granting an increase of pension to Annie L. Marksbury; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15897) granting a pension to Melissa A. Trulock Lindsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15898) granting a pension to Elizabeth Redding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15899) granting an increase of pension to Joseph M. Dennis; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4436. Petition of Religious Liberty Association of Tacoma Park, Washington, D. C., transmitting a petition signed by 163 citizens of Cincinnati, Ohio, protesting the passage of House bill 10311; to the Committee on the District of Columbia.

4437. By Mr. AYRES: Petition of citizens of Wellington, Kans., in behalf of legislation favoring Indian war veterans and their widows; to the Committee on Pensions.

4438. By Mr. BURTNESS: Petition of Rev. J. R. Weurich, pastor of the Community Church, Starkweather, N. D., concerning the amending of the preamble of the Constitution of the United States; to the Committee on the Judiciary.

4439. By Mr. CRAMTON: Petition of J. B. Earl and 97 other residents of St. Clair, Mich., urging that there be no modification of the present immigration law to increase the quota, and urging passage of the deportation bill; to the Committee on Immigration.

4440. By Mr. CULLEN: Resolutions adopted by the board of directors of the Brooklyn Chamber of Commerce, expressing opposition to the construction of a deep-water highway from Montreal, Canada, to Duluth, Minn.; to the Committee on Rivers and Harbors.

4441. Also, resolution of the Medical Society of the County of Kings, adopted at its regular meeting on December 21, 1926, held at the Medical Society Building, 1313 Bedford Avenue, Brooklyn, N. Y., expressing opposition to the Sheppard-Towner maternity act; to the Committee on Interstate and Foreign Commerce.

4442. By Mr. GALLIVAN: Petition of Miss Mary L. Doyle, 257 E Street, South Boston, Mass., urging the enactment of prompt legislation to clear up the situation regarding radio broadcasting; to the Committee on the Merchant Marine and Fisheries.

4443. By Mr. KELLER: Petition of Rev. W. J. Johnstone and 33 other residents of St. Paul, Minn., urging the enactment of House bill 10311; to the Committee on the District of Columbia.

4444. By Mr. KING: Petition against compulsory Sunday observance, signed by Geo. W. Anderson and 64 other citizens of Andover and Cambridge, Ill.; to the Committee on the District of Columbia.

4445. By Mr. MAGRADY: Petition of sundry citizens of Berwick, Pa., urging the passage of House bill 10311, known as the Lankford Sunday rest bill, for the District of Columbia; to the Committee on the District of Columbia.

4446. By Mr. MAJOR: Petition of certain voters of Hughesville, Mo., urging passage of Civil War pension bill providing increase of pension for soldiers and their widows; to the Committee on Invalid Pensions.

4447. By Mr. MARTIN of Massachusetts: Petition of sundry citizens of Raynham, Mass., against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4448. By Mr. SINNOTT: Petitions of citizens of Oregon, protesting against Sunday observance bills; to the Committee on the District of Columbia.